

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.24453 OF 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue a Writ. Order or Direction more particularly one in the nature of WRIT OF MANDAMUS, declaring the illegal action of the 3rd respondent police herein called the petitioner to his police station frequently and also threatening through phone calls bearing Nos.

9550507999, 9290013345, 9849306691 without having any complaint is illegal, arbitrary, against the principles of natural justice and also violation of Articles 14, 19 and 300-A of Constitution of India violation of principles of natural justice and consequently direct the respondents police not to harass the petitioners and pass such other order or

orders as this Hon'ble Court may deem fit and proper in the interest of justice.”

2. When the matter is called today, written instructions dated 13.08.2015 furnished by the Sub Inspector of Police, Vatsavai Police Station, Krishna District, have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“The facts of the case are that on 29.07.2015 the 4th respondent- Vasireddy Uma Maheswari had approached the Station House Officer, Vatsavai police station, Krishna District and lodged a complaint, stating that the petitioner herein came to the complainant and stated that the petitioner herein filed a case before the Hon'ble High Court and the petitioner asked the complainant that he will conduct the investigation in criminal case through CB CID and for that Rs.22 lakhs are required for the purpose of stamp duty. Believing the said version on 3.6.2014 the complainant given Rs.22 lakhs to the petitioner herein. But the petitioner returned Rs.20 lakhs with assurance that he will pay remaining amount of Rs.2 lakhs with interest, but till date

the petitioner did not pay the said amount and when the complainant asked to pay the said amount, the petitioner threatened with dire consequences. In this regard the complainant recorded the voice of the petitioner in CD. The complainant/4th respondent requested the police to take necessary action.

It is submitted that basing on the said complaint this respondent issued receipt to the complainant vide receipt No. 5919 dated: 10.8.2015 and also entered the same in the General Diary and N.C. Register. It is submitted that during the course of enquiry this respondent called both the parties over telephone for the purpose or enquiry.

The petitioner did not cooperate in the enquiry. As per the complaint it revealed that the complainant filed W.P.No. 8812/2014 through the petitioner herein as an Advocate and sought for a direction to expedite the investigation in Cr.No. 100/2013 dated: 5.4.2013 on the file of Chillakalu police station, Krishna District. The petitioner asked the complainant for the purpose of conducting the investigation by the CB CID Rs.22 lakhs are required towards stamp duty to be paid in the Hon'ble High Court. Believing the said version, the complainant paid Rs.22 lakhs to the petitioner herein. But the petitioner withdrawn the W.P.No.8812/2014. When the complainant asked the petitioner about the withdrawal of the said writ petition, the petitioner paid Rs.20 lakhs to the complainant and promised to pay remaining Rs.2 lakhs with interest and in this regard the petitioner reduced in writing. When the complainant asked the petitioner herein to pay the said Rs.2 lakhs, the petitioner threatened with dire consequences. As there was a dispute between the petitioner and the complainant/4th respondent herein with regard to money transaction, hence this respondent suggested the complainant to approach the Hon'ble Civil Court for redressal.

It is submitted that the contention of the petitioner that this respondent harassed and threatened the petitioner over telephone is false, hence denied. It is submitted that as a part of enquiry this respondent called the petitioner for the purpose of enquiry only, but it does not mean harassment, threatening and interfering in the

life and liberty of the petitioner.

It is submitted that after going through the contents of the affidavit in support of the writ petition it revealed that there was a dispute between the petitioner and the 4th respondent with regard to money transaction, for which the respondents police nothing to do with it. The petitioner unnecessarily involving the police into said litigation.”

3. On noticing the same, learned counsel for the petitioner requested this court to record the said instructions and dispose of the writ petition.

4. In view of the above, writ petition stands disposed of, by recording the written instructions dated 13.08.2015 furnished by the Sub Inspector of Police, Vatsavai Police Station, Krishna District.

5. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

17th August, 2015

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