

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH

* * *

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 34735 of 2015

BETWEEN

G.Balaiah

... PETITIONER

AND

The Government of Telangana, rep. by its Principal Secretary and others

...RESPONDENTS

Date of Order pronounced: 16.11.2015

ORDER:

The grievance of the petitioner was that the police authorities were interfering with his liberty by sending police constables to his house without cause.

2. The Superintendent of Police, Veenavanka Police Station, Karimnagar District, filed a counter affidavit stating that the fifth respondent filed complaint dated 06.10.2015 before the Superintendent of Police, Karimnagar District, against the petitioner and thereupon, the matter was entrusted to the Circle Inspector of Police, Jammikunta Rural Police Station,

Khammam District. In turn, the Superintendent of Police, Veenavanka Police Station, Karimnagar District, was asked to enquire into the matter and submit a report in connection with this complaint. The Superintendent of Police stated that he called the petitioner over the phone but the petitioner filed this case instead of co-operating with the enquiry. This counter was filed on 03.11.2015.

3. Learned Assistant Government Pleader for Home stated that an additional counter affidavit was prepared on 13.11.2015 but even as per this counter, there is no indication of any crime having been registered upon the complaint dated 06.10.2015 made by the fifth respondent. As this court does not propose to enter into the dispute between the petitioner and the fifth respondent, it is not necessary to put the fifth respondent on notice.

4. In the light of the aforestated facts, this court is of the opinion that unless the petitioner's examination is warranted in any criminal investigation, the police authorities are not authorized to call him or interfere with his life and liberty. As there is no indication that any crime has been registered upon the complaint dated 06.10.2015 made by the fifth respondent, the police authorities shall not interfere with the life and liberty of the petitioner under the guise of holding a preliminary enquiry upon such complaint endlessly. As pointed out by the Supreme Court in ***LALITA KUMARI vs. GOVERNMENT OF UTTAR PRADESH***, a preliminary enquiry prior to registration of crime can only extend upto a maximum period of seven days. Therefore, unless the police authorities have registered a crime, they shall not interfere with the life and liberty of the petitioner in the context of the subject complaint.

The writ petition is disposed of with the above directions. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

November 16, 2015

Lmv

