

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

WRIT PETITION No.24973 of 2015

ORDER:

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

“to issue writ of Mandamus to declare the action of the respondents 3 and 5 in harassing the petitioner by making threatening calls every day under the guise of the cell number 9700375244 (which is in third party's use) with reference to FIR No. 413 of 2014 of the 1 Town Police Station, Vijayawada as bad, arbitrary and contrary to the criminal justice system and also offends Art.14 and 21 of the Constitution of India.”

Heard Sri Amancharla Satish Babu, learned counsel for the petitioner and learned Government Pleader for Home for respondents, apart from perusing the material available before this Court.

A counter-affidavit is filed by the Inspector of Police, I Town Police Station, Vijayawada City – 3rd respondent herein. In the said counter-affidavit paragraph Nos.4 to 8 read as under:

“It is respectfully submitted that basing on the said complaint a case in Cr.No.413/2014 dated: 26.9.2014 U/s.420 IPC has been registered against the said Bahardwaj on the file of Vijayawada I Town police station and investigation has been taken up by the Sub Inspector of Police.

5. *It is respectfully submitted that during the course of investigation so far seven witnesses have been examined and recorded their detailed statements. It is submitted that as a part of investigation the investigating officer obtained call data, particulars of ownership of the Cell No.9700375244 of the said Bhadrwaj and it revealed that the owner particular of the said cell number is one Gobbi Mahenda Nadli/petitioner herein r/o.H.No.15-1-141/2, Bhagavan Das colony, Bhadrachalam, Khammam District. It is submitted that basing on that the investigating officer telephoned to the said Cell No.*

9700375244, but the petitioner herein instead of cooperating with the investigating agency filed the present writ petition alleging that the respondent police harassing ,jmd calling him. It is submitted that the respondents police registered the above FIR as per the contents of the complaint in accordance with law.

6. It is further respectfully submitted that the investigation conducted so far revealed that as per the call data furnished by the AIRCEL Ltd.,/6 respondent herein the Cell No. 9700375244 belongs to one Velugu Sudhakar. Hence the investigating officer taking steps to take action against the said Velugu Sudhakar. It is submitted that the petitioner herein is not required as per the call data and as per the details of AIRCEL the petitioner is no way concerned in this case.

7. It is respectfully submitted that the matter is under investigation for want of examination of some more witnesses, verification of call data to detect and finalize the case. It is submitted that after completion of investigation an appropriate report will be filed against the culprits who is responsible for the said offence in accordance with law before the concerned Hon'ble Court as expeditiously as possible.

8. It is respectfully submitted that the contention of the petitioner that the respondents police harassed and threatened the petitioner is false, hence denied. It is submitted that earlier as per the call data particulars of Cell No.9700375244 the investigating officer called the petitioner herein for the purpose of investigation and later it revealed that as per the call data of AIRCEL Ltd.,/601 respondent herein the Cell No. 9700375244 belongs to one Velugu Sudhakar. Hence the respondents police did not require the petitioner herein. All the other allegations made against the official respondents herein are false, baseless and hence the same are hereby denied. Hence the writ petition deserves no consideration.”

On noticing the same, it is requested by the learned counsel for the petitioner to dispose of the writ petition by recording the averments in the counter.

In view of the above submission, the writ petition stands disposed of, by recording the above mentioned averments in the counter deposed by the Inspector of Police, I Town Police Station,

Vijayawada city.

Pending miscellaneous petitions, if any, shall stand closed
in the light of this final order. There shall be no order as to costs.

A.V. SESA SAI, J

August 21, 2015

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

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