

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.3540 of 2015

BETWEEN

Amar Sarkar and others

... PETITIONERS

AND

The State of Telangana, Rep. by its Principal Secretary (Department of Home), A.P. Secretariat Building, Hyderabad and others.

...RESPONDENTS

The Court made the following:

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ORDER:

Heard.

2. This writ petition is filed alleging that respondent Nos.2 and 3 are compelling the petitioners to attend the police station and are threatening and making unlawful demand. Petitioners state that wife of petitioner No.1 i.e., Srimathi Sarkar, has filed D.V.C.No.26 of 2014 on the file of Judicial Magistrate of First Class, Sirpur Town. Wife of petitioner No.1 is not impleaded in the writ petition. Petitioners state that during pendency of the said case against father, mother, sister and brother-in-law, who are petitioners, respondent No.3 is calling the petitioners to the police station

compelling them to be present every week and also threatening and beating them though there is no case registered against them.

3. Instructions of the learned Government Pleader, however, show that respondent No.3 received the court referred case on 05.02.2015 filed by Srimathi Sarkar against petitioner No.1 and others and based on that crime No.5 of 2015 is stated to have been registered against the petitioners. The allegations of threatening and beating etc., are denied. It is stated that respondent No.3 is merely concerned with investigation of the crime and states that respondent No.3 would follow procedure laid down under Criminal Procedure Code, by issuing notice as prescribed under Section 41-A Cr.P.C.

4. In view of that, it is evident that the police are bound to investigate the crime registered and since they specifically state that they will follow procedure laid down under Section 41-A Cr.P.C., respondent No.3 is directed to investigate the crime in accordance with law and take appropriate further steps.

Writ petition is, accordingly, disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

March 24, 2015
Lmv