

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

WRIT PETITION No.30239 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 3rd respondent in calling the petitioner to the police station regularly and making him to sit for hours together and in interfering with his personal life and liberty as illegal, arbitrary and violation of Articles 14 and 21 of the Constitution of India and consequently direct the respondent police not to interfere with the petitioner's life and liberty.”

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

Today, when the matter is called, written instructions, dated 22-09-2015 furnished by the Sub-Inspector of Police, Balanagar Police Station, Cyberabad Commissionerate have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“It is respectfully submitted that as per the records, it is revealed that no complaint or case whatsoever was received or registered against the petitioner herein till date on the file of Balanagar Police Station, Cyberabad Commissiorierate.

It is submitted that the allegation of the petitioner that when the respondent police called him, he attended the police station and asked as to why he was called and that the 3rd respondent without disclosing any reasons has been detaining him in the police station till the evening and while leaving him in the evening they directed him to come again on the next day also, otherwise the police personnel will come to his house and implicate him in false cases is absolutely false, baseless and hence the same is denied. The allegation of the petitioner that apprehending the implication in criminal cases, he is continuously attending to the police station and as usual

the police made him to sit in the police station till the evening and leaving with a warning to attend the police station on the next day also and when he is in the police station, the police personnel were visiting his house and enquiring about him in the surrounding areas also and despite his repeated requests, the police did not disclose any reason for his attendance in the police station is utterly false, baseless and hence denied. The other allegations made in the affidavit are false, concocted and invented for the purpose of filing the present writ petition.

It is pertinent to submit that as of now, this respondent never summoned the petitioner nor made him to sit in the police station for hours together. Since at present he did not require in any case, summoning him to the police station does not arise.

It is pertinent to important that, to prevent the police from taking any action in the event of lodging of any complaint against him in future, the petitioner filed the present writ petition on mere apprehension. There is no cause of action in the affidavit and as to when and which date and time the respondent police visited his house and made him to sit in the police station.

It is humbly submitted that the petitioner is not at all required in any of the cases registered on the file of Balanagar Police Station. If any information or complaint is received against the petitioner, certainly action will be taken against him by following the due procedure.

In view of the above, the writ petition is liable to be dismissed at its threshold."

On noticing the above said instructions, learned counsel for the petitioner has requested this Court to record the said instructions and dispose of the writ petition.

In view of the above, the writ petition stands disposed of, by recording the written instructions, dated 22-09-2015 furnished by the Sub-Inspector of Police, Balanagar Police Station, Cyberabad Commissionerate.

Miscellaneous Petitions pending, if any, shall stand closed.
There shall be no order as to costs.

September 23, 2015

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September 23, 2015

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