

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

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WRIT PETITION No.26010 OF 2015
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ORDER:

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

“to issue an appropriate writ or direction, more particularly a Writ in the nature of Mandamus directing the 2nd respondent not to interfere with the peaceful life of the petitioner and direct the 2nd respondent not to harass the petitioner and be pleased to pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.”

2. Heard Sri Rajagopallavan Tayi, learned counsel for the petitioner, learned Government Pleader for Home and Sri K.Anup Kumar, appearing for 3rd respondent.

3. On the complaint given by the 3rd respondent, 2nd respondent – Station House Officer, S.R.Nagar Police Station, Hyderabad, registered FIR No.160 of 2015, dated 28.02.2015, against the petitioner herein for the alleged offences under Sections 380, 379 and 406 IPC. The Inspector of Police, Sanjeeva Reddy Nagar P.S., Hyderabad, has filed the counter affidavit and Para Nos. 10 and 11 of the said counter affidavit read as under:

“10. It is submitted that the allegation of the petitioner that the petitioner being the resident of Bangalore, continuously calling the petitioner to appear before him under the name of investigation and making him to sit in the police station is also false, baseless and hence denied.

11. It is respectfully submitted that except proceeding with the investigation of the case as contemplated under law, this respondent never harassed the petitioner nor interfered with his life and liberty and asked him to sit in the police station as alleged. Unless and until the accused in the FIR including the petitioner (A1) herein,

cooperates with the investigating agency, it cannot be proceeded with any further progress. I humbly submit that the petitioner intentionally violated the orders passed by the Hon'ble Court in Crl.P.No.5394 of 2015 dated 24.6.2015 whereunder the Hon'ble High Court categorically stated that the petitioner/A2 is directed to hand over the documents which are in his possession to the investigating officer and that the investigating officer is directed to deposit the said documents before the trial court where the crime is pending adjudication". I humbly submit that instead of submitting the relevant loan documents as required in this case, the petitioner made baseless allegations against the investigating agency in not conducting the investigation of the case in a fair and proper manner. The contentions contra are untrue and hereby denied. The allegations contra are untenable. There are no merits whatsoever warranting the interference of this Hon'ble Court under Art.226 of the Constitution of India. The writ petition is liable to be dismissed."

4. On noticing the averments in the above said paragraphs, learned counsel for the petitioner has requested this court to dispose of the writ petition by recording the said averments in the counter affidavit.
5. In view of the above submission, writ petition is disposed of, by recording the averments made at Para Nos. 10 and 11 of the counter affidavit filed by the 2nd respondent - Station House Officer, S.R.Nagar Police Station, Hyderabad.
6. 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

08th September, 2015
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