

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

WRIT PETITION No.25695 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 respondents 3 and 5 as illegal, arbitrary, void and direct the respondent Nos.3 and 5 not to harass the petitioner or to call the petitioner to the police station without following due process of law, in the interest of justice.”

Heard Sri Chetluru Sreenivas, 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 20-08-2015 furnished by the Deputy Commissioner of Police, South Zone, Hyderabad have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“It is submitted that the Circle-Inspector of Police, office of the Deputy Commissioner of Police South Zone, Hyderabad received the endorsement from the Deputy Commissioner of Police, South Zone, Hyderabad on 10-04-2015 on the complaint of one C.Prabhakar for verifying whether the petitioner had cheated many people or not.

The sum and substance of the complaint of one C.Prabhakar are that the petitioner herein introduced by the brother - in - law of the complainant and informed that the petitioner is doing the on- line gold business of MCX business at Moosapet under the name and style of S.L. Capital Pvt Ltd., Hence the complainant invested an amount of Rs.30 Lakhs with the petitioner herein for business investment and in this connection the petitioner acknowledged the said amount by passing receipts and the petitioner promised to

repay amount within three months. The petitioner also issued two post-dated cheques drawn on Punjab National Bank, Balanagar Hyderabad. Non-sufficient of funds in the said bank the complainant did not present the said cheques for encashment. When the complainant asked the petitioner to repay the said amount the petitioner herein harassed the complainant. The complainant requested the police to take necessary action.

It is submitted that basing on the said endorsement the Circle - Inspector of Police enquired the matter, during the course of enquiry it revealed the complainant paid Rs.30 Lakhs to the petitioner herein for business purpose and evading to repay the said amount. When the complainant asked the petitioner to repay the said amount instead of repayment the petitioner harassed him. As the matter relates to money transaction the Circle-Inspector of Police suggested the complainant to approach the concerned Hon'ble Court for recovery of said amount from the petitioner herein.

It is submitted that the contention of the petitioner that the respondents 3 and 5, the Deputy Commissioner of Police South Zone, Hyderabad and the Circle Inspector of Police, Office of the Deputy Commissioner of Police South Zone, Hyderabad harassed the petitioner by calling him, abusing in filthy language by naming caste, threatening of illegal detention, implicating in false cases against women is false, hence denied. It is submitted that except receiving the above said complaint from one C. Prabhakar and enquired into the same the respondents 3 and never harassed the petitioner as alleged by him.

It is submitted that the contention of the petitioner that the respondents 3 and 5, sent one Police Constable to petitioners office, pressuring the petitioner to repay the amount and threatening the petitioners that he would be put behind the bars is totally false and hence denied.

It is further submitted that the petitioner herein to threaten the Police made the parties as respondents 4 and 5, Deputy Commissioner of Police South Zone Hyderabad and Circle Inspector of Police, Office of the Deputy Commissioner of Police South Zone, Hyderabad in personal capacity.

It is respectfully submitted that after going through the contents of the affidavit filed in support of the Writ petition, it seems that there was a money transaction between the petitioner and the said C.Prabhakar, for which the respondents Police nothing to do with it. The petitioner unnecessarily involving the Police into Civil litigation.

As stated above the respondents Police never harassed and interfered with the life and liberty of the

petitioner at any point of time.

It is respectfully submitted that as petitioner. All allegations made against baseless and hence the same are hereby of no there is no case is registered against the official respondents herein are false, denied.”

On noticing the above said instructions, it is requested by the learned counsel for the petitioner to dispose of the writ petition by recording the said instructions.

In view of the above submission, the writ petition stands disposed of, by recording the written instructions, dated 20-08-2015 furnished by the Deputy Commissioner of Police, South Zone, Hyderabad.

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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