

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

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W.P.No.40165 of 2012

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, with the following prayer:

“To issue a Writ, Order or Direction, more particularly a Writ in the nature of Mandamus declaring the action of the respondents particularly the action of the respondents particularly action of the respondents 2 & 3 in calling the petitioner and his family members to the police station illegally as illegal, arbitrary and unjust and violation of articles 14, 16 and 21 of the Constitution of India and consequently direct the respondents particularly the respondents 2 & 3 not to harass the petitioner and his family members by unnecessarily calling them to the police station in the interest of justice”

2. Heard Sri S.Surender Reddy, learned counsel for the petitioner and the learned Government Pleader for Home, appearing for respondents, apart from perusing the material available on record.

3. Today, when the matter is called, written instructions dated 2.1.2013 furnished by the Sub-Inspector of Police, S.R. Nagar Police Station, Hyderabad have been placed on record by the learned Government Pleader for Home. In the said written instructions, it is stated as under:

“It is submitted that the 2nd respondent i.e. Station House Officer, S.R. Nagar Police Station, Hyderabad has never harassed and threatened the petitioner and his family members by calling to the police station at any point of time, as alleged by the petitioner herein.

It is respectfully submitted that, as of now no complaint was received and no criminal case is registered against the petitioner herein on the file of the 2nd respondent i.e. Station House Officer, S.R. Nagar Police Station, Hyderabad.

The allegation of the petitioner that the 2nd respondent has called the petitioner and his family members to the S.R. Nagar Police Station, harassed and

threatened them to give the value of the alleged theft articles is incorrect, far from truth, baseless and have been created for the purpose of filing the present writ petition.

It is pertinent to mention here that the petitioner's son by name Mohd. Aqeeluddin @ Khaleefa is involved in the following criminal cases on the file of the 2nd respondent i.e. Station House Officer, S.R. Nagar Police Station, Hyderabad.

i) Cr.No.589/2010 U/s. 353 r/w 34 IPC & 25(1)(A)(3) of IA Act.

ii) Cr.No.238/2011 U/s 382 IPC.

iii) Cr.No.329/2011 U/s 382 IPC.

iv) Cr.No.332/2011 U/s 382 IPC.

v) Cr.No.353/2011 U/s 382 IPC.

vi) Cr.No.546/2011 U/s 382 IPC.

vii) Cr.No.555/2012 U/s 382 IPC.

viii) Cr.No.590/2011 U/s 382 IPC.

ix) Cr.No.719/2011 U/s 8(c) r/w 20(B)(II) of NDPS Act.

It is incorrect to say that the 2nd respondent i.e. Station House Officer, S.R. Nagar Police Station, Hyderabad has threatened the petitioner to give information about his younger son who is A1 in Cr.No.432 U/s 382 IPC on the file of Chaderghat Police Station, Hyderabad and also threatened to give the alleged gold articles which was allegedly stolen by the petitioner's son, hence denied.

It is respectfully submitted that on perusal of the affidavit filed by the petitioner, it shows that the above writ petition has been filed by the petitioner as a precautionary measure, if any body lodges a complaint against him and to prevent the police from taking any action. As such all the allegations leveled in the affidavit by the petitioner against this respondent are false, incorrect, baseless and has been created for the purpose of filing the present writ petition."

4. On noticing the same, the learned counsel for the petitioner requested this Court to close the writ petition by recording the said written instructions.

5. In view of the above reasons, the writ petition is disposed of, by recording the written instructions dated 2.1.2013 furnished by the Sub-Inspector of Police, S.R. Nagar Police Station, Hyderabad. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 30.11.2015

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

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W.P.No.40165 of 2012

30.11.2015

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THE HON’BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.40165 of 2012

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Between:

Md.Jameel

... Petitioner

and

The Commissioner of Police,
Hyderabad and others.

... Respondents

DATE OF JUDGMENT PRONOUNCED: 30.11.2015

SUBMITTED FOR APPROVAL:

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THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

1. Whether Reporters of Local Newspapers

May be allowed to see the Judgment? Yes/No

2. Whether the copies of judgment may be

Marked to Law Reporters/Journals? Yes/No

3. Whether Their Lordship wish to see the

Fair copy of the judgment? Yes/No

