

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION NO.4282 OF 2015

ORDER:

The present Writ Petition is filed alleging that respondent Nos.2 and 3 are threatening to arrest and detain the petitioner, though there is no crime registered against the petitioner and consequently, seek a direction against respondent Nos.2 and 3 not to threaten, arrest or detain the petitioner without registration of any crime.

Learned Government Pleader for Home (Telangana) has received instructions from the Assistant Commissioner of Police, Central Crime Station, DD, Hyderabad, stating that a case in Crime No.337 of 2013 was registered against one Mohd. Yousuf Khan and others under Sections 448 and 506 of the Indian Penal Code on 02.12.2013 on the file of the Station House Officer, Humayun Nagar, Hyderabad, on the complaint of one Mohd. Gulam Afroz, GPA Holder of the fourth respondent. The aforesaid crime is stated to have been transferred to the Central Crime Station and re-registered as Crime No.298 of 2014 on 20.11.2014. It is further stated that during investigation of the said crime, the police found that there are disputes between the petitioner and the fourth respondent on the basis of a Will of the original owner whereas the petitioner claims as a purchaser from one Vinod Philip Mathews, who claims title from a registered document from the original owner. The report of the Registering authority available with the Investigating Officer is said to be not tallying with the document. Hence, the petitioner's presence is required for the purpose of clarifying as a part of investigation. It is further stated that in this context, notice under Section 41(A) of the Code of Criminal Procedure (Cr.P.C.) was given to the petitioner and the allegation of the petitioner that there is threat etc., is denied.

Evidently, there is no crime registered against the petitioner and he is merely asked to cooperate with the Investigating Officer by issuing a notice under Section 41(A) Cr.P.C. Therefore, the petitioner

has to respond to the said notice and approach the Assistant Commissioner of Police and give an appropriate statement.

Learned Government Pleader, on instructions, states that the second respondent, who is investigating the crime, is hospitalized on account of ill-health and there is no substance in the allegation of the petitioner.

Even otherwise, as stated in the instructions above, the petitioner's presence is required before the Investigating Officer only for the purpose of clarifying the registration aspects and as a part of investigation, but that would not amount to any harassment to the petitioner. Hence, the petitioner is at liberty to approach the Investigating Officer as and when called for and give his statement.

The Writ Petition is disposed of, accordingly. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(VILAS V. AFZULPURKAR, J)

27th February 2015

RRB