

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

WRIT PETITION No.29243 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 respondents detaining the petitioner's Son-in-law from 04.09.2015 in the 3rd respondent police station is illegal, arbitrary, violation of Article 21 and 22 of Constitution of India and consequently direct the 1st & 2nd respondents to prosecute against the 3rd respondent for his illegal action.”

Heard M/s.Pillix Law Firm, 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 10-09-2015 furnished by the Inspector of Police, I Town Police Station, Vijayawada City have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“It is submitted that the said Vemuri Venkata Krishna Mohan is involved as A-2 in Cr.No.211/2015 U/s.420, 419, 468, 472 r/w.34 IPC on the file of I Town police station, Vijayawada City and he was arrested on 8.9.2015 at 12.45 hours and on 9.9.2015 produced before the Hon'ble Chief Metropolitan Magistrate, Vijayawada for judicial remand and the Hon'ble Magistrate granted 15 days judicial remand.

It is submitted that when the 3rd respondent arrested the said Vemuri Venkata Krishna Mohan on 8.9.2015 the question of detaining him on 4.9.2015 and used 3rd degree method does not arise.

It is respectfully submitted that the contention of the petitioner that the respondents police detained the petitioner's son-in-law by name Vemuri Venkata Krishna Mohan from 4.9.2015 in the 3rd respondent police station – Station House Officer, I Town police station, Vijayawada city is false, hence denied

It is submitted that the petitioner herein to threaten the police falsely alleged that the 3rd respondent denied the said Vemun Venkata Krishna Mohan and use 3rd degree method to demoralize the police and to gain sympathy of this Hon'ble Court. The 3rd respondent discharge his legitimate duties and conducting the investigation in the above First Information Report. The 3rd respondent never harassed or detained the said Krishna Mohan in the police station as alleged by the petitioner herein.

It is respectfully submitted that only to divert the attention of the investigating agency, the petitioner filed the present writ petition with baseless allegations.

All the other allegations made against the official respondents herein are false, baseless and hence the same are hereby denied. Hence the writ petition deserves no consideration and liable to be dismissed.

As stated above at present the petitioner's son-in-law is in judicial remand."

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 10-09-2015 furnished by the Inspector of Police, I Town Police Station, Vijayawada City.

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

A.V. SESA SAI, J

September 10, 2015

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

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