

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

WRIT PETITION NO. 24356 OF 2015

Between:

P.M. Rahul Sharan & Anr. ... Petitioners

V/s.

The State of Telangana,
Represented by its Prl.Secretary,
Home Department,
Secretariat, Hyderabad & Ors. ... Respondents

DATE OF JUDGMENT PRONOUNCED : 12/08/2015

SUBMITTED FOR APPROVAL

HONOURABLE SRI JUSTICE A.V. SETHA SAI

1. Whether Reports 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 his Lordship wish to see the fair

Copy of the judgment ? Yes/No

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

WEDNESDAY THE TWELVETH DAY OF AUGUST

TWO THOUSAND AND FIFTEEN

PRESENT

HONOURABLE SRI JUSTICE A.V. SETHA SAI

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P.M. Rahul Sharan & Anr. ... Petitioners

V/s.

The State of Telangana,

Represented by its Prl.Secretary,

Home Department,

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Counsel for the Petitioner: Dr. Challa Srinivasa Reddy

Counsel for the Respondents: GP for Home [TG]

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SETHA SAI

WRIT PETITION NO. 24356 OF 2015

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O R D E R :

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

To declare the action of respondent No.3, 4 and their staff in harassing the petitioners and their family members at the instigation of fifth respondent as illegal, arbitrary against the principles of natural justice and unconstitutional, consequently to direct the respondents 3 and 4 not to harass the petitioners and their family members by sending constables to their house regularly and to pass such other suitable orders as this court may deem fit and proper in the circumstances of the case.

2. When the matter is called today, the learned Government Pleader for Home [TG] has submitted the written instructions furnished by the Sub-Inspector of Police, Afzal gunj Police Station. The written instruction reads as hereunder:

One Mr.N. Mahesh Varma, 5th respondent herein had approached the Police of Afzal gunj Police Station, Hyderabad city and lodged a complaint on 21/6/2015 against the writ petitioners herein stating that his brother's daughter Ms.N.Kirthi Varma, D/o. late N.Naresh, aged 23 years, engagement was fixed with Mr.Sumeeth on 29/5/2015. His brother's daughter was working in Google company. His colleague, Mr.P.M.Paul Yadav, son of PM Shankar was also working with her in the same company. P.M.

Rahul Yadav used to send messages to Sumeeth from Facebook by knowing about the engagement with Kirthi Varma. Raghul Yadav took the photo with Kirthi Varma when all their colleagues attended a marriage. Raghul Yadav made posters of that photo and pasted them on the walls of the colony. He also thrown some posters in others house on 20/6/2015 night time and also creating problem by sending the photo through facebook. Rahul Yadav is insulting her as well as her family respect by making the posters of the photo and pasting them on the walls. His father PM Shankar is also supporting in his activities. They also filed a complaint in cyber crime and case is under investigation. Even though after filing a case in cyber crime he is doing the same mistake. Hence, he requested the police to take necessary action against Rahul Yadav and his father PM Shanker as per law.

Basing on the contents of the above complaint, a case in Crime No. 435 of 2015 under section 354 [c] 509 read with 34 IPC was registered on the file of Afzal gunj Police Station on 21/6/2015 and investigation was taken up.

Both the petitioners herein are shown as A-1 and A-2 in the FIR.

The investigation is pending for want of examination of some more witnesses and for collection of material evidence.

It is pertinent to submit that earlier the petitioners herein have filed WP.No. 18979 of 2015 seeking a writ of mandamus declaring the registration of FIR.No.435 of 2015 against them and consequently to quash the same. At the admission stage, this Hon'ble court by its order dated 26/6/2015 directed that there shall be stay of arrest of the petitioners alone in FIR No.435 of 2015 on the file of Afzal gunj Police Station, Hyderabad, however, investigation may go on.

It is respectfully submitted that except proceeding with the investigation of the case as contemplated under law, this respondent never harassed the petitioners or their family members. The allegation of the petitioner that at the instigation of the fifth respondent-complainant, the respondents 3 and 4 are harassing them as alleged in the affidavit is absolutely false and hence denied.

It is pertinent to submit that to escape from the criminal liability and also taking advantage of the interim orders passed in WP.No.18979 of 2015 dated 26/6/2015 [not to arrest the petitioners] the petitioners are not co-operating with the investigating agency. Unless and until, the petitioners co-operate with the investigating agency, it cannot proceed with further course of action into the above crime. Necessary action will be

taken against the petitioners-accused in the FIR depending on the evidence adduced during the course of investigation by following the due procedure including issuance of Section 41-A Cr.P.C. notice.

To escape from the criminal liability and to divert the attention of the investigating agency and also mainly taking advantage of the interim orders of this Hon'ble court, the petitioners filed the present writ petition with false and baseless allegations.

I humbly submit that both the petitioners are required in connection with the above crime. There are no specific directions to the petitioners not to co-operate with the investigating agency.

I humbly submit that having bore grudge against the 5th respondent-complainant, the petitioner made baseless allegations against the investigating agencies i.e., respondents 3 and 4 herein and hence no credence can be given to the allegations made in the affidavit.

3. On noticing the said written instruction, it is represented by the learned counsel for the petitioners to dispose of the writ petition by recording the reasons mentioned in the written instruction.

4. In view of the above, by recording the reasons mentioned in the written instruction, the writ petition is disposed of. No costs.

5. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE A.V.SESHA SAI

12/08/2015

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HONOURABLE SRI JUSTICE A.V. SETHA SAI

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