

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF APRIL
TWO THOUSAND AND FIFTEEN
PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.9731 of 2015

BETWEEN

Abdul Wahab..

... PETITIONER

AND

The State of Telangana, Rep. by its Principal Secretary, Home Department,
Secretariat, Hyderabad and others.

...RESPONDENTS

Counsel for the Petitioner: MR. DOMINIC FERNANDES

Counsel for the Respondents: GP FOR HOME (TG)

The Court made the following:

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ORDER:

Petitioner complains of illegal harassment by respondents 2 to 5 in
calling him to the Police Station Kukatpally, though no case or crime is

registered against him and that the police have no power to harass the petitioner in such a manner.

2. Instructions of the learned Assistant Government Pleader, however, show that on a complaint of one Shaik Mushtaq Ahmed Siddiqui dated 16.07.2013, the Station House Officer, Kukatpally registered a case in Cr.No.636 of 2013 against the persons named therein and the investigation is taken up. While the investigation is pending, the complainant again approached the police station on 27.10.2013 informing that pending investigation, another document was registered by A1 by executing a registered GPA vide document No.14364 of 2013 at the Sub-Registrar Office, Ranga Reddy District on 25.09.2013. It is stated that petitioner and one Md. Ismail are witnesses to the said document, hence, as part of investigation, the presence of the petitioner and the said Ismail is required by the SHO. It is, however, stated that when the petitioner was informed to appear before the Investigating Officer, he filed the present writ petition.

3. Apparently, except calling the petitioner as part of investigation, there appears to be no crime registered against the petitioner and as such, the allegation of the petitioner that the police are harassing him and repeatedly calling him to the police station does not appear to be correct. As a citizen also, the petitioner has a duty to assist the police in investigating the crime and since his signature is found as a witness in the disputed document, the police require the presence of the petitioner and other witnesses only for the purpose of investigation.

The writ petition is disposed of permitting the petitioner to appear before the Investigating Officer on 22.04.2015 at 11.00 AM and the Investigating Officer shall not detain the petitioner unreasonably and shall release the petitioner after recording his statement. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

April 16, 2015
DSK

VILAS V. AFZULPURKAR, J