

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.38177 OF 2015

ORDER

The prayer of the petitioner in this case is as under:

‘This Hon’ble Court may be pleased to issue an order/direction or writ more particularly one in the nature of **Writ of Mandamus** declaring the action of 3rd respondent in obtaining false agreement Dtd.20-07-2015 by the petitioner under coercion in favour of 4th respondent and calling him on his mobile and threatening for payment under the above false agreement as illegal, unjust, in violation of Article 21 of the Constitution of India and consequently direct the 3rd respondent herein not to harass and call the petitioner for payment under the above false agreement Dtd.20-07-2015 to the 4th respondent and pass such other order/s as this Hon’ble Court may deem fit and proper in the circumstances of the case.’

The Sub-Inspector of Police, Kukatpally Police Station, Cyberabad, filed a counter-affidavit stating that upon the complaint made by the fourth respondent, Crime No.141 of 2015 was registered on the file of the Kukatpally Police Station, Cyberabad, against the petitioner under Sections 405, 419, 420, 468, 470, 471, 474, 506 and 120B IPC. The Sub-Inspector stated that the petitioner was required in connection with the investigation in the aforestated crime and that he had filed the present writ petition only to escape his criminal liability.

Though a reply affidavit has been filed by the petitioner contesting the claim put forth by the police authorities, this Court must necessarily take note of the fact that the petitioner is shown as sole accused in an offence which is still at the stage of investigation. The police authorities are bound to examine and interrogate him. He cannot claim any immunity therefrom.

The writ petition is accordingly disposed of directing the respondent police authorities to strictly abide by the procedure laid down

in the Code of Criminal Procedure, 1973 while investigating Crime No.141 of 2015 on the file of Kukatpally Police Station, Cyberabad, and take appropriate action thereafter. Pending miscellaneous petitions shall stand closed. No order as to costs.

SANJAY KUMAR, J

13th APRIL, 2016

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