

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.42968 of 2015

ORDER:

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

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 4th respondent in harassing the petitioner at the instance of the respondents 5 & 6 without there being any crime registered against the petitioner and directing him to withdraw the Insolvency Petition filed by him and making him to sit hours together as illegal, arbitrary, unconstitutional and consequently direct the respondents 2 to 4 not to interfere with the personal liberty at the instance of the respondents 5 & 6 without there being any crime registered against him, and pass such other order or orders as this Honourable Court deem fit and proper.”

Written instructions dated 21.01.2016 were furnished by the Inspector of Police, Sirivella Circle, Kurnool District, to the office of the learned Government Pleader for Home, wherein he stated that the petitioner had lodged a complaint through his counsel against respondents 5 and 6 to the effect that they were threatening him. Thereupon, the police authorities called the petitioner for recording his statement but, without doing so, the petitioner was stated to have filed this writ petition. The Inspector further stated that on 17.01.2016, the petitioner approached the police authorities and again lodged a complaint against respondents 5 and 6 to the effect that they had criminally trespassed into the school and forced him to transfer his assets despite the pendency of the insolvency petition. The Inspector stated that basing on this complaint, Crime No.15 of 2016 had been registered on the file of Sirivella Police Station under Sections 384, 448 and 506 I.P.C. read with Section 34 I.P.C. and the investigation was stated to be in progress in this case. The Inspector stated that the police authorities never detained the petitioner at the police station or pressurized him to withdraw the insolvency petition as alleged by him.

The aforestated stand of the police authorities is taken on

record. In the light thereof, adjudication of this writ petition is not warranted on merits.

Sri V.Nitesh, learned counsel for the petitioner, is also agreeable to the disposal of the writ petition duly taking on record the stand of the police authorities.

The writ petition is accordingly closed.

Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

SANJAY KUMAR, J

Date:28.01.2016

GJ