

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

WRIT PETITION No.6110 of 2010

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 3 to 9 in harassing the petitioners herein as highly arbitrary, illegal and unconstitutional and consequently direct the Respondents 3 to 9 not to interfere with the personal life of the petitioners without any cause or case.”

Heard Sri Mangena Sree Ram Rao, learned counsel for the petitioners and learned Government Pleader for Home for respondents.

A counter-affidavit is filed by the 5th respondent – the Sub-Inspector of Police, I Town Police Station (Crimes), Kakinada. Paragraph Nos.3 to 7 of the said counter-affidavit read thus:

“3. I respectfully submit that one Mr.Tekimudi Satyanarayana Murthy – 5th petitioner and also the son of the 1st petitioner herein is a hard-core criminal having Dossier Criminal (D.C.) sheet No.851/E.G. at I town Police Station, Kakinada. The 5th petitioner herein was involved in series of property offences and robbery offences. He is a professional and notorious criminal and used to organizing prostitute dens by kidnapping girls and women and also used to form gangs to commit dacoity and robbery offences.

4. I respectfully submit that recently the 5th petitioner herein has formed a gang consisting of 1) Pasupuleti Lakshmi Durga Prasad @ Stephen, son of Arjuna Rao, 24 years, D.No.5-12-9, Annamghati center,

Ganeshnagar, J.K. Pur, Kakinada, 2) Chikka Papa Rao, son of Ramakrishna, Aged 21 years, Toorpukapu, J.K. Puram, Kakinada, 3) Munagala Narendra @ Nani, son of Srinu, aged 21 years, Toorpukapu, Chinthamani Agraharam, J.K. Puram, Kakinada and operated series of house breaking by night and unclassified property offences in the limits of Kakinada Town, Sarpavaram, Indrapalem, Kadapa and Coringa Police Station.

5. I respectfully submit that the 5th petitioner herein and his above named associates were arrested on 22-11-2009 by the Inspector of Police, Kakinada Rural and recovered huge amount of gold ornaments and silver articles and other valuables in Cr.No.147/2009, 130/2009, 133/2009 of Indrapalem Police Station, Cr.Nos.48/2009 and 107/2009 U/Secs.457 and 380 IPC of II Town Police Station, CCS, Kakinada, Cr.Nos.31/2009 and Cr.32/2009 U/Secs.457 and 380 IPC of I Town CCS, Kakinada, Cr.No.89/2009 U/Secs.457 and 380 IPC of Karapa Police Station, Cr.No.133/2009 U/Secs.457 and 380 IPC of Indrapalem Police Station, Cr.No.137/2009 U/Secs.457 and 380 of Coringa Police Station were recovered from their possession and they were remanded to judicial custody.

6. I respectfully submit that about 57 criminal cases were registered on the various Police Stations of East Godavari District against the 5th petitioner – Mr.Tekimudi Satyanarayana Murthy. Most of the cases registered against him are pending trial.

While the matters stood thus, the 5th petitioner Mr.Tekimudi Satyanarayana Murthy after getting bail, discontinued to attend the Court and is absconding. The concerned Hon'ble Court issued Non-Bailable Warrants against the 5th petitioner herein and his associates. I submit that with a view to evade the vigil of police against him, he filed a petition before the superior officers through his mother – 1st petitioner herein.

7. I respectfully submit that already a team was constituted to execute the Non-Bailable Warrant issued

against the 5th petitioner herein. To save her son's skin, the petitioner filed the present writ petition with baseless allegations. I submit that the allegation of the petitioner herein that the respondent police have foisted cases against her son- 5th petitioner is false and hence the same is denied."

In page No.5 of the counter-affidavit it is also stated by the Sub-Inspector of Police that no cases are pending or registered against the petitioners 1 to 4 herein, as such, question of summoning them to the Police Station does not arise and it is also stated that the respondent – police never harassed the petitioners 1 to 4 herein under the guise of the cases registered against the petitioners.

While referring to the above said averments, it is stated by learned counsel for the petitioners that the said averments of the counter-affidavit may be placed on record and the writ petition can be disposed of.

For the aforesaid reasons, the writ petition stands disposed of, by placing on record the above averments of the counter-affidavit.

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

A.V. SETHA SAI, J

June 14, 2016

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