

THE HON'BLE SRI JUSTICE PRAVEEN KUMAR

WRIT PETITION No.15591 of 2016

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ORDER:

The present writ petition came to be filed seeing issuance of writ of mandamus declaring the action of the respondents in calling the petitioner to the police station over telephone without registering a crime, as illegal and arbitrary.

It is the case of the petitioner that he filed six criminal cases against Ganti family members for an offence punishable under Section 138 of Negotiable Instruments Act. After a full-fledged trial, the trial Court convicted the accused and sentenced them to suffer imprisonment of two years. Aggrieved by the same, the accused preferred criminal appeals which are pending before the Court. It is stated that non-bailable warrants are also pending against the accused. It is further submitted that on 29.02.2016, when the petitioner came down to Vizag for some business meetings, some persons claiming themselves to be members of the A.P.Task Force, entered into his house and threatened him to come with them. It is further stated that the petitioner was threatened on phone by the police by directing him to come to the police station, without giving any reason for such visit. The action of the police in threatening the petitioner to come over to the police station without registering any crime, is the subject matter of challenge in the present writ petition.

A counter came to be filed by the first respondent denying the averments made in the writ petition. In paragraph No.4 of the counter affidavit, it is stated that respondent-police called the petitioner through phone for the purpose of preliminary enquiry and the petitioner stated that he could not attend police station on account of the death of his mother and he also informed the police

that he would come after ten days, but failed to do so. It is stated that except on that day, the police never called the petitioner to the police station.

Having regard to the averments made in the counter affidavit, the respondent-police are directed to follow the procedure contemplated under law, while summoning the petitioner to the police station.

Accordingly, the writ petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE PRAVEEN KUMAR

01st June, 2016
VHB