

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.41748 OF 2015

ORDER

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

‘For the reasons stated in the accompanying affidavit, it is prayed that this Hon’ble Court may be pleased to issue a WRIT OF MANDAMUS or any other appropriate writ or direction, declaring the action of the respondents 4 and 5 in calling the petitioner to the 5th respondent Police Station basing on an unregistered complaint of the 7th respondent herein, more particularly which is civil in nature and threatening to settle the alleged amount claimed by the 7th respondent as being illegal, arbitrary and violative of fundamental rights of the petitioner guaranteed under the Constitution of India apart from contrary to the provisions of the Criminal Procedure Code and consequently direct the official respondents not to interfere in civil disputes and desist the respondents from calling the petitioner to the 5th respondent police station and pass such other or further orders as the Hon’ble Court feels deem fit and proper in the facts and circumstances of the case.’

Written instructions dated 20/9.12.2015 were furnished by the Inspector of Police, Banjara Hills Police Station, Hyderabad, to the office of the learned Government Pleader for Home, wherein he stated that the seventh respondent approached Banjara Hills Police Station and lodged a complaint on 08.08.2015 to the effect that the petitioner had cheated him. Upon receipt of this complaint, the police authorities made an entry in the General Diary on 08.08.2015 and a preliminary enquiry was initiated. However, upon such enquiry it emerged that the dispute was in connection with a money transaction and was purely civil in nature. The allegation of the petitioner that on the basis of the complaint made by the seventh respondent the police authorities advised him to compromise the matter and settle the amount as demanded by the seventh respondent was denied. The other allegation to the effect that police constables were

sent to the petitioner asking him to come to the police station thereby tarnishing his image in society was also denied. The Inspector of Police stated that the police authorities merely enquired into the complaint made by the seventh respondent and for conducting a preliminary enquiry therein and to know the veracity of the contents thereof, they had summoned both parties and thereafter advised them to seek redressal before the competent civil Court. The Inspector concluded by stating that merely conducting a preliminary enquiry into the complaint did not amount to any interference in the civil dispute of the parties. He further stated that as no case had been registered against any of the parties on the file of Banjara Hills Police Station, no action was warranted by the police authorities at all.

In the light of the aforestated stand of the police authorities which is taken on record, no adjudication is warranted in this writ petition and it is rightly conceded so by the learned counsel for the petitioner. The writ petition is accordingly closed.

Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

6th JANUARY, 2016
PGS