

**THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR**

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**WRIT PETITION No.23086 OF 2016**  
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**ORDER:**

Heard the learned Counsel for the petitioner and the learned Government Pleader for Home. With consent of the counsel appearing for both parties, the present Writ Petition is disposed of at the admission stage.

2. Since this Court is not adjudicating the matter on merits, hearing of the unofficial respondents may not be necessary.

3. The present Writ Petition is filed with the following prayer:

“to issue a Writ, Order or direction more particularly one in the nature of *Mandamus*, declaring the action of the respondents i.e., respondent No.3 in calling the petitioner to his police station with the collusion of the unofficial respondents without having any crime and taken the signatures of the petitioner on stamp papers and insisting payment by threatening the petitioner with dire consequences and harassing the petitioner by calling to the police station everyday is as illegal, arbitrary and against the principles of natural justice and violation of Articles 14,19,21 of Constitution of India and consequently direct the respondents police not to harass the petitioner.”

4. The grievance of the petitioner is that the unofficial respondents lodged a report against him as he is the only available employee of the Chit Fund Company and a local person and therefore, the respondents-police are summoning the petitioner to the police station and detaining him for hours together.

5. Learned Government Pleader for Home opposed the same contending that a crime was registered against the petitioner and as such the question of calling the petitioner intentionally would not arise.

6. A reading of the affidavit filed in support of the writ petition would show that the Directors of the Himanwi Chit Fund Private Limited, who cheated the people in large scale, escaped from the Town and closed the Company. The only person available is the petitioner, who was working as Senior Assistant Manager in the said Company. As he happens to be a local person, the unofficial respondents lodged a report against the petitioner also.

7. In view of the above, if a case is registered against the petitioner, the respondents-police are at liberty to summon the petitioner in order to investigate into the crime, but they cannot summon the petitioner to the police station and detain him illegally for hours together and also threaten him with dire consequences.

8. Having regard to the above, the Writ Petition is disposed of directing the respondents-police to follow due process of law while investigating the crime registered against the petitioner and also in summoning the petitioner to the police station.

Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

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**JUSTICE C. PRAVEEN KUMAR**

Date:14.07.2016  
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