

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No. 19427 of 2016

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Home.

The present writ petition came to be filed seeking issuance of writ of Mandamus declaring the action of the 6th respondent in calling the petitioner and another to the police station and detaining them without any reasons as illegal, arbitrary, unjust, violative of principles of natural justice and offends the Articles 14, 21 and 300-A of the Constitution of India and consequentially direct the 6th respondent not to harass the petitioner and another by calling to the police station.

The averments in the affidavit filed in support of the writ petition would show that the petitioner, a real estate businessman, advanced hand loan of Rs.5 lakhs to one of his friends by name Mr.Ananth Ram in the month of December, 2015, who promised to repay the same within two months. When the petitioner demanded for repayment of the amount due, the said Ananth took his account details and transferred the amount to his account through RTGS. It is alleged that since then the petitioner has been receiving threatening calls from strangers and Assistant Commissioner of Police to disclose his personal details and also to handover the amount transferred through RTGS. It is further alleged that the driver of the petitioner was also forcibly taken to the police station for not revealing the whereabouts of the petitioner. Hence the present writ petition.

Though various grounds are raised, the learned counsel for the petitioner restricts his prayer seeking a direction to the

respondent – police not to harass the petitioner and his driver by summoning them to the police station without following due process of law.

Without going into merits of the case and having regard to the facts indicated above, the writ petition is disposed of directing the respondent-police not to summon the petitioner and his driver to the police station, without any FIR being registered against them. If the presence of the petitioner and his driver is required in the police station, for any other purpose, they shall be summoned in accordance with law.

Miscellaneous petitions, pending if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE C. PRAVEEN KUMAR

17.06.2016,

Note:

Issue CC by 21.06.2016

B/o.

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