

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.33797 of 2016

ORDER:

This writ petition is filed for a writ of *mandamus* declaring the action of the 2nd respondent in threatening the petitioner with criminal case and obtaining undertaking to pay Rs.1,00,000/- by putting the petitioner in fear of arrest as illegal and consequently direct the 4th respondent to avail his remedies against his vendors as per law.

2. Heard and perused the material available on record.

3. The grievance of the petitioner is that on 09.08.2016, the Assistant Commissioner of Police, L.B. Nagar Police Station, Ranga Reddy District (2nd respondent) called the petitioner to the Police Station stating that the 4th respondent complained against him and further, the Station House Officer, L.B. Nagar Police Station, Ranga Reddy District (3rd respondent) threatened the petitioner to give an undertaking to pay a sum of Rs.1,00,000/- to the 4th respondent on or before 09.10.2016, otherwise the 3rd respondent will arrest him and the 2nd respondent made him to sign on the undertaking letter scribed by the police constable under threat of arrest. Thereafter also, the 3rd respondent is compelling the petitioner to pay the said amount as per the undertaking letter obtained from the petitioner forcibly.

4. Learned Assistant Government Pleader for Home submitted that the said allegations are not true. The 3rd respondent never called the petitioner to the Police Station and obtained any such letter from the petitioner also and he is not compelling the petitioner to pay the said amount to the 4th

respondent. Learned Additional Government Pleader further informed that in future also, the 3rd respondent will not interfere with the affairs between the petitioner and the 4th respondent in connection with the said payment of Rs.1,00,000/- as per the alleged undertaking letter obtained from the petitioner. Learned Additional Government Pleader further submits that the 3rd respondent may be permitted to proceed with the investigation, if any complaint is lodged against the petitioner for cognizable offence.

5. Taking into consideration the facts and circumstances of the case and the rival submissions, the Writ Petition is disposed of with the following direction:

The Station House Officer, L.B. Nagar Police Station, Ranga Reddy District (3rd respondent) is directed not to interfere in the affairs between the petitioner and the 4th respondent in connection with any civil dispute. This order will not stand in the way of the 3rd respondent to proceed with the investigation, if any cognizable offence is made out on the basis of any complaint given by any person against the petitioner.

6. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO, J

Date: 17th October, 2016

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