

**THE HON'BLE SRI JUSTICE SANJAY KUMAR**

**WRIT PETITION NO.6145 OF 2016**

**ORDER**

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

‘It is prayed that this Hon’ble Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the 2<sup>nd</sup> Respondent in interfering with the petitioners peaceful life and harassing them without any complaint made against the petitioners by any person and without following due process of law, as illegal, arbitrary, without jurisdiction and violative of Article 21 of the Constitution and pass such other order or orders as may deem fit and proper in the circumstance of the case.’

Written instructions dated 08.03.2016 were furnished by the Additional Superintendent of Police, R.O., C.I.D., Rajahmundry, to the office of the learned Government Pleader for Home, wherein it was stated that upon the complaint made by the third respondent, Crime No.47 of 2012 was registered on the file of Atreyapuram Police Station, East Godavari District. However, after completion of the investigation, a final report was filed before the competent Court referring the case as ‘civil in nature’. Thereupon, the third respondent filed a protest petition before the Court and upon the directions of the learned Magistrate, the Sub-Divisional Police Officer took up further investigation. In the meanwhile, as per the directions of the Additional D.G.P., C.I.D., Andhra Pradesh, the case was handed over to the C.I.D. for further investigation. At this stage, the present writ petition was filed alleging interference and harassment by the police authorities. According to the Additional Superintendent of Police, the first petitioner was neither shown as an accused nor was he examined as a witness in relation to the subject crime. No notices were sent to the petitioners till date. The Additional Superintendent of Police however stated that as the first petitioner acted as a Director of Genex Technologies Private Limited, examination of the petitioners may be

required in future.

In the light of the aforestated stand of the police authorities, the writ petition is closed directing the police authorities to strictly abide by the due procedure laid down in the Code of Criminal Procedure, 1973 in the event examination/interrogation of the petitioners is warranted in relation to the investigation in Crime No.47 of 2012 of Atreyapuram Police Station, East Godavari District. Pending miscellaneous petitions shall also stand closed in the light of this final order. No order as to costs.

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**SANJAY KUMAR, J**

**17<sup>th</sup> MARCH, 2016**

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