

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT

WRIT PETITION No.24537 of 2016

ORDER:

Vide the present petition, the petitioners seek direction thereby declaring the action of respondents No.8 and 9 in calling to police station every day and making them to sit in the police station for whole night.

Learned counsel appearing on behalf of the petitioners submits that the petitioners have filed a quash petition before this court in CrI.P No.9971 of 2016, wherein, this Court has passed an order not to arrest the petitioners in Crime No.70 of 2016, vide order dated 12.07.2016. However, the respondents are asking the petitioners to come to the police station and sit in the police station.

Petitioner No.1 is a lady aged about 60 years as well as petitioner No.2 is a student of 25 years and petitioner No.3, who is the brother of petitioner No.1, is aged about 55 years, working as teacher at Z.P.High School, Khadarpet Village, Anantapur District.

Learned G.P. for Home appearing on behalf of the respondents submits that in the aforesaid crime, the investigation is going on and the same is at an advanced stage. Therefore, for the purpose of investigation, the presence of petitioners is required.

It cannot be disputed that the accused can be called by the police as and when required for investigation. But the police have to observe and comply with the directions issued from time to time by the Supreme Court in various judicial pronouncements that *"A lady cannot be called in the police station. If the investigation is required, the Investigating Officer concerned has to approach at her place of residence."*

Under the accompanying circumstances, if any woman is called

to the police station, she will be called i.e., before sunset and, under any circumstances, she cannot be called before sunrise.

As noted above, petitioner No.1 is a lady of 60 years of age. Therefore, without commenting much on the allegations made in the petition, I hereby direct the respondents to issue notice for investigation as and when petitioners are required. Accordingly, the petitioners are directed to appear before the Investigating Officer. Investigating Officer is further directed to approach petitioner No.1 for investigation purpose at her place of residence. She shall not be called for investigation purpose at the police station.

Insofar as petitioners No.2 and 3 are concerned, the concerned Investigating Officer shall issue notice under Cr.P.C and mention the time of reaching to the police station. I further direct the said Investigating Officer that he shall mention in General Diary the time of the coming of the petitioners No.2 and 3 and at what time they leave the police station.

Insofar as petitioner No.1 is concerned, the Investigating Officer is directed to send notice in advance wherein he shall mention at what time he would approach petitioner No.1, who is a woman.

In view of the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

JUSTICE SURESH KUMAR KAIT.

Date :25-07-2016
Gvl

