

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.28383 OF 2016

ORDER:

Heard Mr.C.Sai Vishnu for petitioner and Government Pleader for Home.

The petitioner prays for Mandamus declaring the action of 2nd respondent in calling the petitioner to police station, making him to sit in police station and threatening him to disburse the amount credited to PEARLS, as illegal and violative of Articles 14 and 21 of the Constitution of India. The petitioner further prays for a direction to 2nd respondent not to interfere with petitioner's personal life and liberty in any manner.

The petitioner claims to have worked as one of the agents in Pearls Agrotech Corporation Limited. As agent of the said Corporation, he enumerated several customers in the company on commission basis. On account of various circumstances, it is alleged the affairs of the Corporation have been referred to Securities and Exchange Board of India (SEBI) and SEBI filed Civil Appeal No.13394 of 2015 in Hon'ble Apex Court. On 02.02.2016, the Apex Court appointed a Committee headed by Hon'ble Mr.Justice R.M.Lodha, the then Chief Justice of India (Retd.) to conduct sale of properties of Company to disburse to customers.

According to petitioner, SEBI is independently conducting enquiry/ investigation into the affairs of the Corporation. Now, the grievance of petitioner is that the 2nd respondent on the complaints lodged by a few creditors of the Company called the petitioner to police station and made him sit for quite sometime, further is pressurizing the petitioner to repay to the members enrolled by him. Hence, the instant writ petition.

Learned Government Pleader for Home, after perusing the averments in the writ affidavit and the orders of the Apex Court dated

02.02.2016, submits that reference to order of Apex Court by petitioner, who is admittedly an agent of Corporation, is unsustainable and illegal. According to her, the Committee constituted by the Apex Court is taking steps for recovery of the amounts from the sale of properties of the Corporation. The petitioner by merely saying that he was an agent of Corporation and the members enrolled by him have filed complaints cannot pray for anticipatory or prohibitory relief by filing the instant writ petition. According to her, if any complaint is filed the respondents will register the FIR and proceed strictly in accordance with law, if so warranted against the petitioner or concerned. If the prayer as made in the writ petition is considered, it is submitted, the possibility of misuse by accused or scuttling of investigation by police cannot be ruled out.

With the assistance of counsel for petitioner, I have perused the affidavit and the orders of the Apex Court. *Prima facie*, this Court is of the view that reference to the orders of Hon'ble Apex Court is not useful insofar as the petitioner is concerned. Further, the affidavit does not disclose details which inspire confidence of the Court that as a matter of fact, anything, as alleged by petitioner, is carried out by police. The statement of Government Pleader, that if any complaint is received the authorities will act in accordance with law, is placed on record. It is needless to observe that if an FIR is registered, it is always open to petitioner to workout remedies under Cr.P.C.

The writ petition is dismissed. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any pending, also stand closed.

S.V.BHATT, J

Dt.24.08.2016

Note:

CC in one week.

Lrkm