

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.31836 of 2012

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue writ of Mandamus to declare the action of the 2nd respondent in calling the petitioner to police station without there being any crime registered against the petitioner is illegal, arbitrary and violative of fundamental rights guaranteed under the Constitution of India and consequently direct the respondents not to call him to police station under the guise of investigation.”

Heard.

A counter-affidavit deposed by the Sub-Inspector of Police, Manthani Police Station, Karimnagar District is filed stating that one Mr.Dasari Srinivas, S/o.Rajam, R/o.Manthani, Karimnagar District had approached the police of Manthani Police Station and lodged a complaint on 28-05-2011 and basing on the said complaint police registered a case in Crime No.82 of 2011 on 28-05-2011 under the head of Women Missing and took up investigation.

Paragraph Nos.4 to 8 of the said counter-affidavit read as under:

“4. It is respectfully submitted that although sincere efforts were made to trace the missing woman till date, her whereabouts are not known to the investigating agency. However, a team was also formed to know her whereabouts. I humbly submit that being the father of the missing women, the petitioner herein has to cooperate with the investigating agency to inform the whereabouts her daughter, instead he rushed to this Hon’ble Court and filed the present writ petition with baseless allegations only on mere apprehension. I humbly submit that the petitioner herein is not required for the police nor summoned him to the police station as alleged.

5. I humbly submit the respondent police only asked the whereabouts of the missing woman that too the daughter of the petitioner herein but never interfered with the life and liberty of the petitioner herein nor asked him to sit in the police station hours together as alleged. I humbly submit that till date the whereabouts of the missing are not known.

6. It is pertinent to note that this respondent enquires revealed that the petitioner informed the investigating agency that his daughter is living with one Mr.Bhagothula Ramesh at Chennai of Tamilnadu State but he did not disclose the correct address at Chennai. I humbly submit that the petitioner herein is pretty known the whereabouts of his daughter and the address at Channai but he is evading to inform the correct address.

7. It is respectfully submitted that the allegation of the petitioner that under the guise of the investigation, he was summoned by the respondent police and harassed him is absolutely false, baseless and hence

the same is denied. All the other allegations made in the affidavit are false and hence the same are denied.

8. *It is pertinent to submit that at the admission stage, this Hon'ble Court by its order dated 17.10.2012 in W.P.No.31836 of 2012 directed the respondents not to call the petitioner to the police station. I humbly submit that this respondent shall abide by the interim directions passed by this Hon'ble Court. Hence, the writ petition is devoid of any merits."*

While referring to the above said averments learned counsel for the petitioner has requested this Court to place on record the above mentioned averments in the counter-affidavit and dispose of the writ petition.

In view of the said submission, the writ petition stands disposed of, by placing on record the averments of the counter-affidavit as mentioned supra. There shall be no order as to costs.

The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.V. SETHA SAI, J

October 18, 2016

Pn

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