

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No. 19905 of 2016

ORDER :

The present Writ Petition came to be filed seeking to issue a writ of *mandamus* declaring the action of respondent No.3 in calling the petitioner to police station and making him sit for hours together in police station, without there being any crime registered against him, as illegal and arbitrary.

2. Heard the learned counsel for the petitioner and the Assistant Government Pleader for Home for the State of Telangana appearing for respondents 1 to 3. At the request of both the counsel, the Writ Petition itself is taken up for disposal at the stage of admission. Since this Court is not deciding the case on merits, it may not be necessary to hear unofficial respondent No.4.

3. The case of the petitioner is that respondent No.4 is his business partner and there is a dispute between them with regard to business activities, as respondent No.4 is not showing accounts and not paying share to the petitioner. In this regard, a case in crime No.10 of 2015, dated 05.01.2015 was registered against respondent No.4 on a private complaint lodged by petitioner. It is further said that as a counter blast to the said case, respondent No.4 lodged a report against the petitioner

and his family members, basing on which a case in crime No.82 of 2016 came to be registered. It is his case that respondent No.4 also lodged a report with respondent No.3 with regard to property covered under survey No.87/B to an extent of 304.58 square yards, wherein the petitioner claims to have stated before respondent No.3 about the pendency of Original Suit No.99 of 2016 on the file of the Junior Civil Judge, Karimnagar and the interim injunction granted in I.A. No.126 of 2016. It is his grievance that inspite of the same, respondent No.3 is repeatedly calling him to police station.

4. Learned Assistant Government Pleader appearing for respondents 1 to 3, on instructions, states that respondents are not summoning the petitioner to the police station and the allegations made are false. Recording the said statement and having regard to the fact that no crime is pending against the petitioner as on today, the respondents should be mindful of their duties and are directed not to summon the petitioner to police station without following due process of law.

5. The Writ Petition is disposed of with the aforesaid direction. Miscellaneous petitions pending, if any, in the Writ Petition shall stand closed in the light of this final order. No order as to costs.

C.PRAVEEN KUMAR, J

22.06.2016

DRK

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