

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.36413 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed by the petitioners to declare the action of the 4th respondent – Station House Officer, Abids Police Station, Hyderabad, in interfering with the day to day business of the petitioners and threatening to arrest them basing on FIR No.88 of 2016, as arbitrary and illegal, and consequently, direct the 4th respondent not to arrest the petitioners in connection with the said crime.

Heard and perused the material available on record.

The 5th respondent filed a private complaint before the II Additional Chief Metropolitan Magistrate against the petitioners alleging that one Mr.Nazir was due an amount of Rs.16,20,000/- to him and he assured that the petitioners would pay that amount to him since the petitioners agreed to purchase the house of said Nazir. But, the said amount was not paid by the petitioners to him. Therefore, he filed the present complaint.

The grievance of the petitioners is that the issue pertains to civil dispute and that the police are interfering with their day to day life and threatening them to arrest in connection with the above crime, and to get rid of the harassment of the 4th respondent, they filed WP No.16670 of 2016 and this Court disposed of the said writ petition through order, dated 26.05.2016, directing the police to follow the guidelines as per the Judgment in Arnesh Kumar v. State of Bihar¹.

¹ 2014(2) ALT CrI. 457 (SC)

Learned Assistant Government Pleader for Home submitted that basing on the said complaint, the present crime was registered and that the 4th respondent is investigating into the matter in accordance with law.

Considering the facts and circumstances of the case and the grievance of the petitioners, without expressing any opinion on merits, this Court is inclined to pass the following order:

The 4th respondent is directed to complete the investigation in Crime No.88 of 2016 of Abids Police Station, Abids, Hyderabad, and file a final report in accordance with law in either way, without arresting the petitioners. The petitioners are also directed to appear before the investigating officer as and when required, and cooperate with the investigation.

With the above directions, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

October 27, 2016.
KTL

