

THE HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.2861 of 2013

ORDER:

Heard Sri Rajareddy Koneti, learned counsel for petitioner for considerable length of time.

The petitioner, a businessman, prays for Writ of Mandamus declaring the action of the respondents in summoning the petitioner to police station orally or *in any other form without authority* as illegal, arbitrary and in violation of fundamental rights guaranteed under the Constitution of India. The petitioner prays for a consequential direction restraining the respondents in any way violating petitioner's right to freedom and liberty and not to cause personal or physical restraint to petitioner.

The petitioner with reference to each one of the prayers, referred to above, has stated a few alleged acts of interference by respondent Nos. 1 and 2. The bottom line of petitioner's case is that respondent Nos. 1 and 2 without reason or having the authority of law are interfering into the life of petitioner. This Court by choice is not adverted to the detailed affidavit filed by the petitioner.

The crux of the matter as this Court understands from the Written Instructions dt. 05.02.2013 is that the petitioner in all is accused in a few crimes. Sri Rajareddy Koneti submits that during the pendency of the Writ Petition, substantially all the crimes ended in acquittal. Be that as it may, this Court is not posted with details of

all these cases to appreciate the findings recorded by the learned Magistrate. According to respondent No.1 on 06.11.2012 a rowdy sheet was opened against the petitioner and as required by police manual to the extent law permits, the respondents were closely monitoring the movements of the petitioner. Except monitoring the movements of the petitioner, to prevent him from indulging in crimes, it is stated, respondent Nos. 1 and 2 are not interfering with any other right or acting in deviation of any prescription of law.

This Court is of the view that substantially the prayer sounds as an effort to protect the fundamental right of petitioner. Even if a rowdy sheet is opened, the dos and do not's are clearly spelt out both by the precedents of this Court and also by the police manual. So, this Court has difficulty in appreciating the general prayer and issuing positive directions to respondents.

The Writ Petition is without merit. Placing on record the stand of Respondent No.1, the Writ Petition is dismissed. No order as to costs.

Miscellaneous petitions, if any, pending in this case shall stand disposed of.

S.V. BHATT, J

Date: 21.11.2017
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Dt. 21.11.2017

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