

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 17275 of 2017

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus, declaring the action of respondent Nos.3 and 4 in calling the petitioner and his old aged father to Srikonda Police Station vide notice dated 18.05.2017 and harassing them intentionally to confess in Crime No.29 of 2017 dated 02.05.2017 before respondent No.4 as illegal, arbitrary, un-constitutional and contrary to law; and consequently direct respondent Nos.3 and 4 not to harass the petitioner and his father by calling them to police station.

2) A perusal of the averments in the affidavit filed in support of the writ petition would show that respondent No.5 lodged a report before respondent No.4 alleging that she is the only daughter to her parents and her father died in the year 1976. Since then her uncle Abdul Hameed used to look after her properties. Six months back, the village elders held a meeting regarding her property in the above said village in the presence of Madigi Kistaiah and Kakka Narasaiah. At that time, the petitioner, who is the son of Abdul Hameed, is alleged to have obtained blank signed stamp papers of respondent No.5 and her mother and threatened respondent No.5 with dire consequences stating that he will transfer the property in the name of third parties by using the blank stamp papers. Pursuant to the said complaint, notice

was issued under section 41 (A) Cr.P.C. Hence, the present writ petition.

3) Learned counsel for the petitioner submits that in spite of complying with the notice issued under Section 41 (A) Cr.P.C., the respondents are calling the petitioner and his father to the police station and harassing them. According to him, notice under Section 41-A Cr.P.C. was issued to which the petitioner gave a reply but without taking into consideration the same they are harassing the petitioner and his father by calling them to the police station. The same is disputed by the Government Pleader for Home, but however no counter is filed till date.

4) Having regard to the facts and circumstances of the case, the respondent-police are directed not to summon the petitioner, who is a Government Servant, and his father to the police station, except following due process of law.

5) With the above direction, the writ petition is disposed of. There shall be no order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

01.06.2017
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