

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 31024 of 2017

O R D E R:

This writ petition is filed challenging the action of respondent No.3 in calling the petitioner to the Police Station on the basis of the complaint lodged by respondent No.5 against respondent No.4 and the petitioner, in relation to document No.3648/2010, dated 08.11.2010.

The case of the petitioner is that in view of the acquaintance with respondent Nos.4 and 5, he signed as a witness on the document, dated 08.11.2010. More than that, he is not aware of the transactions between respondent Nos.4 and 5. However, at the instance of respondent No.5, respondent No.3 is harassing the petitioner without following the procedure prescribed under Section 41-A Cr.P.C. and the directions issued by the Hon'ble Supreme Court in **Arnesh Kumar vs. State of Bihar**¹ and **Lalita Kumari vs. Government of Uttar Pradesh**².

Learned Government Pleader, on the basis of written instructions, received from respondent No.3, submits that as a matter of fact, FIR No.318 of 2017 was registered on 10.09.2017 under Section 420 IPC read with Section 34 IPC and the petitioner is arrayed as Accused No.2 therein. However, the allegation of the petitioner that he is being harassed, is denied and the investigation is in progress. She further submits that the

¹ (2014) 8 SCC 273

² (2014) 2 SCC 1

procedure prescribed in law will be strictly followed in the process of investigation.

In view of the above and inasmuch as FIR was registered against the petitioner, liberty is given to him to avail the alternative remedies available in law, if he is aggrieved by the registration of F.I.R. The specific submission of the petitioner in the affidavit that he signed the document executed by respondent No.4 in favour of respondent No.5 only as a witness, is a matter to be considered in the process of investigation and in view of the same, the respondents shall follow the procedure as laid down in the judgments referred to supra.

Accordingly, the writ petition is disposed of.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:15.09.2017
kdl