

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.21795 OF 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, came to be filed seeking issuance of a Writ of Mandamus declaring the action of the second respondent in repeatedly calling the petitioner to Police Station, without any crime being registered against the petitioner, as illegal and arbitrary.

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Home. With their consent, the Writ Petition is disposed of at the stage of admission itself.

The case of the petitioner, as seen from the averments made in the affidavit filed in support of the writ petition, is that crime No.36/2017 of Suryaraopet Police Station, Vijayawada, for the offences punishable under Sections 420, 468 and 471 of Indian Penal Code was registered against one Edward Singh and three others, basing on the complaint given by one Nagendra Babu. The name of the petitioner is not shown as an accused in the said crime. In spite of the same, the respondents-police are calling the petitioner to Police Station, in connection with said crime. Aggrieved by the said action of the Police, present Writ Petition is filed.

The learned counsel for the petitioner mainly submits that though the petitioner is not arrayed as an accused in crime No.36/2017, Police are repeatedly calling him to police station under the guise of enquiry in connection with said crime.

Learned Assistant Government Pleader, on instructions, denies the allegations made in the affidavit filed in support of the Writ

Petition and submits that if the respondents-Police intend to take any action against the petitioner in connection with said crime, due process of law would be followed by them.

Having regard to the above, the respondents-Police are directed not to call or summon the petitioner or detain him illegally or unauthorizedly, without following due process of law. If the respondents-Police intend to take any action against the petitioner in crime No.36/2017, they shall follow the procedure established under law.

Accordingly, the Writ Petition is disposed of.

Miscellaneous petitions pending in this writ petition, if any, shall stand closed. No costs.

10.07.2017
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C. PRAVEEN KUMAR, J

