

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.7195 OF 2017

ORDER:

Heard learned counsel for petitioner and learned Government Pleader for respondents 1 and 2.

This writ petition is filed challenging the action of the second respondent in harassing the petitioner by calling him to the police station without there being any crime registered against him. He states that he completed his education in Medical Lab Services and he was appointed as Lab Technician in Mamatha General Hospital, Khammam in the year 1999. However, his services were terminated on 01.11.2011. He was agitating for payment of his dues before the Assistant Commissioner of Labour. The third respondent is the Personal Assistant to the local Member of Legislative Assembly (M.L.A) and he is one of the Board Members of Mamatha Educational Society. In view of the disputes between him and the said Society, the said M.L.A., bore grudge and instigated third respondent to file a fictitious complaint and on the basis of the said complaint, the petitioner is being harassed by the second respondent.

The learned Government Pleader, on the basis of the written instructions, submits that a complaint was received on 18.02.2017 from the third respondent stating that one 'Naveen Kamuni' posted an abusive comment on Facebook against the local M.L.A., and said 'Naveen Kamuni' previously worked in Mamatha Medical College Laboratory headed by the local M.L.A. The said complaint was registered as crime No.114 of 2017 and investigation was taken up. The name of the petitioner is 'Naveen Kamuni' @ K.Bikshapathi, but it was mentioned in the F.I.R., as 'Naveen Kamuni'. In the statement given by the third respondent under Section 161 of Code of Criminal Procedure (CrPC), it was clearly mentioned that the petitioner is called as 'Naveen Kamuni', but in the complaint by oversight his name was mentioned as 'Naveen Kamuni' without mentioning the name as 'Bikshapathi'. The other allegation that the petitioner is called to the police station is denied.

The learned counsel for the petitioner, in spite of the above written instructions, still maintains that the petitioner is 'Bikshapathi' only, but not 'Naveen Kamuni' as mentioned in the complaint. If there is any evidence to the police to show that the petitioner is also called as 'Naveen Kamuni', it is open to the police to take appropriate legal proceedings.

In view of the above, the writ petition is disposed of directing the second respondent to continue the investigation while keeping in view the contention of the petitioner with regard to the name and only after satisfying that the petitioner is also called as 'Naveen Kamuni', the second respondent shall proceed with the investigation. It is needless to observe that the second respondent while investigating the matter shall follow due process of law.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions pending, if any, shall also stand disposed of.

14.03.2017
pln

A.RAMALINGESWARA RAO, J

