

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION NO. 21496 of 2017

ORDER :

Heard both sides. With the consent of both parties the writ petition is disposed of at the admission stage.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of respondent No. 2 in frequently calling the petitioner to the police station under the guise of the complaint submitted by respondent No.3, as illegal and arbitrary.

It is the case of the petitioner that there were some matrimonial disputes between the petitioner and the unofficial respondent due to irresponsible attitude of the unofficial respondent. It is stated that when the petitioner requested his wife to change her attitude, she lodged a report against him before the police station making false allegations. Since then, the respondent police started calling him to the police station, without there being any crime registered against him. Hence, the present writ petition.

Though various grounds are raised, learned counsel for the petitioner restricts his prayer seeking a direction to the respondent police not to summon the petitioner to the police station, except in accordance with the procedure established by law.

Learned Government Pleader on instructions would submit that the allegations made in the writ affidavit are false and the respondent police have never summoned the petitioner to the police station.

It is to be noted that this Court in *G.B.C.Raj Gopal vs. The Government of A.P. Rep., by The Principal Secretary, Home Department, Secretariat Buildings, Secretariat, Hyderabad, A.P. and six others* in W.P.No.34137 of 2013, vide order dated 24.04.2014, in para 65, while dealing with issue of forcibly summoning a person to the police station, observed as under:

“65. No person can be forcibly summoned to a police station except in accordance with law, including the provisions of the [CrPC](#). Exercise of power by police officers, and the mode and manner of its exercise, is circumscribed by the provisions of the [CrPC](#). Conferment of power is only to enable police officers to effectively discharge their statutory/legal obligations. Exercise of power, otherwise than in furtherance of a statutory/ legal duty, is an abuse of power”.

Recording the rival submissions made and in view of the judgment referred to above, the writ petition is disposed of directing the respondent police not to summon the petitioner to the police station, without registering any crime. If the respondent police intend to take any action against the parties, the same shall be in accordance with law. No costs.

Consequently, miscellaneous petitions, if any pending, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

07.07.2017  
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