

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION NO. 24214 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.3 in calling the petitioner to the police station at the behest of respondent No.4 and threatening him to register part of the land in Survey Nos.230, 231 and 232 of Yemmiganur town and village, as illegal and arbitrary.

It is the case of the petitioner that there were some property disputes between the petitioner and unofficial respondent. It is the grievance of the petitioner that respondent No.3, basing on the complaint given by respondent No.4, is calling the petitioner to the police station and threatening him with dire consequences. Hence, the present writ petition came to be filed.

Though various grounds are raised, learned counsel for the petitioner mainly submits that the respondents-police may be directed not to call the petitioner to the police station, without following due process of law.

Learned Government Pleader, while denying the allegations made in the writ affidavit, submits that any action taken against the parties shall be in accordance with law.

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 para 65 of the said judgment, 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”.

Without going into merits of the case; having regard to the submissions made and in view of the judgment referred to above, the Writ Petition is disposed of directing the respondents police not to summon the petitioner to the police station, without following due process of law. However, if the respondents 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

21.07.2017
vnb