

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 26216 OF 2017

ORDER:

This Writ Petition has been filed seeking a *mandamus* to declare the action of the respondent police in summoning the petitioner and beating him mercilessly and also detaining him for hours together in the Police Station to pay back the debts due to the unofficial respondents, as illegal and arbitrary.

The case of the petitioner is that he availed loan facility from the unofficial respondents for the development of his business and that due to financial losses, he could not repay the amounts. Hence, he filed an Insolvency Petition i.e. I.P. No. 2 of 2015 on the file of the Senior Civil Judge's Court at Bodhan, Nizamabad District and the said Petition is pending adjudication. Meanwhile, the unofficial respondents, with the support of Respondents 2 and 3 Station House Officers, Banswada and Beerkur Police Station respectively, have forcibly obtained signatures on white papers, promissory notes and threatening him with dire consequences.

A counter-affidavit has been filed by the 3rd respondent Station House Officer, Birkur Police Station denying all the allegations made against them in the writ affidavit. It has been specifically stated that when there is no complaint whatsoever lodged against the petitioner, the question of summoning him to the Police Station does not arise.

Heard learned counsel for the petitioner as well as learned Government Pleader for Home (Telangana).

In matters of this nature (Writ Petition No. 26744 of 2017 *vide* order dated 11.08.2017), this Court has already observed that:

“ The petitioner shall be entitled to seek injunctive relief against Respondents 6 to 8 and the 5th respondent Station House Officer in his *eo nomine* capacity. He also can seek damages against the individual, who is officiating as the 5th respondent. Once the civil action is initiated against the individual, he is required to approach the civil Court and defend himself and justify why the damages should not be awarded against him. In that way, an effective check can be put against the individuals who are officiating and abusing their office.”

Hence, this Writ Petition is also disposed of in terms of the above-said order. No costs.

Consequently, the miscellaneous Applications, if any shall stand closed.

05th September 2017

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CHALLA KODANDA RAM, J