

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.22342 OF 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, came to be filed seeking to declare the action of respondents 3 and 4 in threatening the petitioners and also of the second respondent in not taking any action against the 4th respondent, as illegal and arbitrary.

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

At the time of arguments, the learned counsel for the petitioners would submit that he is not pressing the latter part of the prayer wherein he sought to declare the action of the second respondent in not taking any action against R-4.

The main grievance of the petitioner appears to be that respondents 3 and 4 are interfering with the personal life and liberty of the petitioners without any crime being registered against him.

As seen from the material on record, a case in crime No.41 of 2017 of Chittamuru Police Station, came to be registered initially for the offences punishable under Sections 341, 324 r/w.34 of Indian Penal Code and subsequently, Sections 3 (2) (va) of SCs & STs (POA) Act was added. In the said crime, five persons were shown as accused and the names of the petitioners do find place in said FIR.

The case of the petitioners is that though they are not shown as accused in said crime, the Police are harassing them in connection with said crime.

Learned AGP, on instructions, denies the allegations made in the affidavit filed in support of the writ petition and submits that if the Police intend to take any action against the petitioners in connection with abovesaid crime, they will follow due process of law.

Recording the said submissions, the Writ Petition is disposed of directing the respondents-Police not to interfere with the personal life and liberty of the petitioners without following due process of law. However, if the petitioners are shown as accused during the course of investigation, the respondents-Police shall follow the procedure established under law before taking any action against the petitioners.

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

C. PRAVEEN KUMAR, J

06.07.2017

Note : Issue C.C. three days.

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