

THE HON'BLE SRI JUSTICE S. V. BHATT

WRIT PETITION No. 27949 of 2013

ORDER:

No representation for petitioner. Heard the learned Government Pleader (Home) for Respondents.

2. The petitioner prays for mandamus declaring the action of 2nd Respondent in calling petitioner to police station and further forcing him to compromise a dispute with one Bala Krishna, as illegal and unconstitutional.

3. The learned Assistant Government Pleader (Home), on the strength of the written instructions dated 09.10.2013, states that on the complaint of one Bala Krishna, a case in Crime No.61/ 2013 under Section 380 of Indian Penal Code was registered, and during the course of investigation, five witnesses were examined, including the petitioner as LW-5. The petitioner was summoned for investigation. Therefore, it is incorrect to allege that the 2nd Respondent forced petitioner and his father to compromise the issue with the complainant.

4. In view of the above, a crime is already registered, the 2nd Respondent, if circumstances warrant, follow the procedure stipulated by Section 160 of Criminal Procedure Code to issue summons, but not to call the petitioner to station without recourse to law.

5. With the above observation, the writ petition is disposed of. As a sequel, the miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

S. V. BHATT, J

April 18, 2017
Kv



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