

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.17792 OF 2017

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Home for the State of Andhra Pradesh. With their consent, the present writ petition is disposed of at the admission stage itself.

2. Since this Court is not going into the merits of the case, it may not be necessary to issue notice to the unofficial respondent.

3. The Writ Petition, under Article 226 of the Constitution of India, came to be filed seeking issuance of a writ of *mandamus* declaring the action of respondents 4 and 5 in harassing the petitioner and his family members and interfering with their life and liberty, as illegal, arbitrary and consequently, direct respondents 4 and 5 not to interfere with their life and personal liberty.

4. A perusal of the averments in the affidavit filed in support of the writ petition would show that a case in Crime No.28 of 2017 of Nidadavolu Police Station came to be registered against one Bayye Srinu for the offences punishable under Section 420 IPC and Section 4 of the Dowry Prohibition Act, on the basis of a report given by one Doddigarla Keerthi, wherein it is alleged that the informant and son of the petitioner fell in love with each other and wanted to marry. The son of the petitioner is alleged to have demanded a sum of

Rs.4,00,000/- to marry her. The averments in the First Information Report disclose that though the son of the petitioner agreed to marry with the consent of the parents, later refused to do so and the matter was placed before the elders, wherein the accused demanded Rs.4,00,000/- as dowry. Vexed with the attitude of the accused, the informant consumed poison, but however, with the timely intervention of the family members, her life was saved.

5. Learned counsel for the petitioner submits that though a crime was registered against one Srinu, who is son of the petitioner, still the police are calling the petitioner to the police station and harassing him.

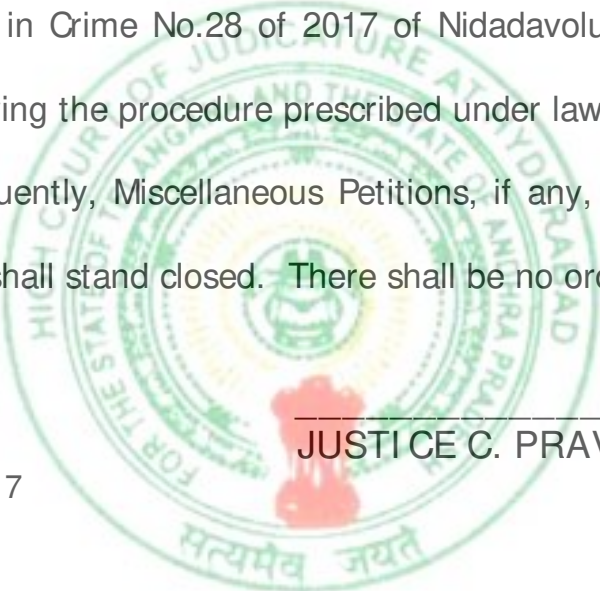
6. Learned Government Pleader, on instructions, denies the involvement of the respondents in the dispute and also summoning the petitioner to the police station.

7. It is to be noted that a case in Crime No.28 of 2017 of Nidadavolu Police Station was registered against the son of the petitioner and in the said crime, the petitioner obtained anticipatory bail on 01.05.2017 before the Court of IX Additional Sessions Judge at Kovvur. It is alleged that in spite of the order of anticipatory bail, the respondents- police are harassing the petitioner by summoning him to police station. The same is strongly refuted by the learned Government Pleader.

8. When the petitioner is not shown as an accused, there is no need to summon him to the police station. However, if the police intend to examine the petitioner as a witness or if they intend to file a charge sheet showing the petitioner as an accused, action to be taken by the police shall only be in accordance with the procedure established by law.

9. Having regard to the above, the Writ Petition is disposed of directing respondents 4 and 5 not to summon the petitioner to the police station in Crime No.28 of 2017 of Nidadavolu Police Station, without following the procedure prescribed under law.

Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.



JUSTICE C. PRAVEEN KUMAR

Date:15.06.2017
INL