

HON' BLE SRI JUSTICE M. SATYANARAYANA MURTHY

WRIT PETITION No.15287 of 2017

ORDER:

This writ petition is filed to declare the action of the respondents in harassing the petitioner to pay deficit amount of Rs.3,00,000/- found in the main Branch of Andhra Bank, Adilabad, at the instance of the Cashier and Manager, as illegal and arbitrary.

The main contention of the petitioner is that he has withdrawn Rs.26,400/- by presenting a cheque on 12.04.2017, but the Bank officials found deficit in the balance after verifying the accounts and thereafter they with the aid of police started harassing him for payment of Rs.3,00,000/-, which is allegedly received by him in excess of Rs.26,400/- covered by the cheque.

Learned counsel for the petitioner contended that unless a crime is registered against the petitioner, the petitioner cannot be called to the police station and subject him to harassment for payment of Rs.3,00,000/-.

Learned Government Pleader for Home represented that the police concerned received a complaint, dated 17.04.2017, from the Andhra Bank, Adilabad Branch, about commission of offence by the petitioner. However, he fairly conceded that no crime was registered on such complaint, except making entry in the General Diary. He produced a copy of the written instructions dated 27.04.2017 received from the Station House Officer, I Town Police Station, Adilabad.

The written instructions, dated 27.04.2017, shows that a complaint was received against the petitioner about commission of cognizable offence, but the police did not register a complaint on the

ground that the petitioner filed writ petition and the same is pending before this Court. However, the same is not a ground for failure to register a crime against the petitioner. If really the police receive any report intimating about commission of cognizable offence, a crime is required to be registered strictly adhering to the guidelines laid down by the Hon'ble Apex Court in Lalita Kumari v. Government of U.P¹.

At this stage, learned counsel for the petitioner requested the Court to pass appropriate order directing the concerned Station House Officer to follow the procedure under Section 41A of Cr.P.C. and the guidelines laid down by the Hon'ble Apex Court in Arnesh Kumar v. State of Bihar².

In view of the request made by the learned counsel for the petitioner, the 4th respondent is directed to follow the procedure under Section 41A of Cr.P.C. and the guidelines laid down by the Hon'ble Apex Court in Arnesh Kumar's case (2 supra).

With the above direction, the Writ Petition is disposed of at the stage of admission itself. No costs.

Miscellaneous petitions, if any pending in this petition, shall stand closed.

M. SATYANARAYANA MURTHY, J

11-05-2017
v v/ prv

¹ 2014 (2) SCC 1

² (2014) 8 SCC 273