

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.34331 of 2017

ORDER:

This Writ Petition is filed to declare the action of the 3rd respondent in interfering with the civil disputes and summoning and harassing the petitioners, without following the procedure laid down in Sections 41-A & 154 Cr.P.C., as illegal and arbitrary.

Learned Government Pleader for Home (Telangana) has placed on record the written Instructions received from the 3rd respondent- Station House Officer, Amberpet Police Station, Hyderabad City, stating that 4th respondent has filed a private complaint, on the file of the IV Additional chief Metropolitan Magistrate at Hyderabad, against the petitioners and on receipt of the same from the Court, on 04.09.2017, a case in Crime No.342/2014, for the offences punishable under Sections 406, 417, 420, 506, 120(b) r/w 34 IPC, has been registered against them and during the course of investigation, though he tried to serve notices under Section 41-A of Cr.P.C., the petitioners bluntly refused to receive the same and filed the present Writ Petition with false and untenable allegations to escape from their criminal overt acts in the commission of offence. It is further submitted that due to non-cooperation of the petitioners, the entire investigation has been staged and their presence is required for the purpose of investigation into the case. Hence, prayed for dismissal of the writ petition.

As it is the stand of the 3rd respondent-SHO that the petitioners are not available to serve the notices under Section 41-A of Cr.P.C., the 3rd respondent shall serve the notices to the petitioners to their private addresses, mentioned in the writ affidavit, through Registered Post with Acknowledgment Due, by giving

sufficient time to enable them to be present, with respect to any of the quarries that may be posed to them. It is made clear, it is only when a written requisition / notice is served on the petitioners through Registered Post with Acknowledgment Due, providing sufficient time, the petitioners shall be required to attend before the 3rd respondent.

Subject to the above direction, the Writ Petition is closed. There shall be no order as to costs.

Consequently, miscellaneous petitions pending, if any, shall also stand closed.

Date:16.10.2017

Ssv

CHALLA KODANDA RAM, J.

