

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**

Writ Appeal No.1812 of 2017

JUDGMENT: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the Learned Single Judge in W.P.No.37157 of 2017 dated 07.11.2017. The appellant herein filed the Writ Petition seeking a mandamus to declare the action of the respondent-Police officials, in interfering with his personal liberty calling him and his family members to the Police Station under the guise of the alleged complaint lodged by the 4th respondent, as illegal, arbitrary and void; and to, consequently, direct them not to interfere with the personal liberty of the petitioner.

In the affidavit, filed in support of the Writ Petition, it is stated that, when the petitioner sought for a copy of the complaint lodged by the 4th respondent, the 3rd respondent had refused to furnish them a copy stating that the complaint was not registered; and the police officials were seeking to coerce the petitioner to execute a sale deed in favour of the 4th respondent.

It is only on a complaint being registered under Section 154 Cr.P.C, would the investigating machinery be put in motion, and it is only thereafter that police officials can direct appearance of the accused, in accordance with the provisions of the Cr.P.C, more particularly Section 41-A, Cr.P.C.

Learned Government Pleader for Home would submit that the respondent-police officials are not interfering with the civil disputes; and the petitioner would be called to the Police Station only on a

complaint being registered against him; and in accordance with the provisions of the Cr.P.C.

Recording the submission of the Learned Government Pleader for Home in this regard, and leaving it open to them, in case a complaint were to be registered against the petitioner later, to take action against him in accordance with the provisions of the Cr.P.C, respondents 1 to 3 are directed not to interfere with the civil disputes, between the appellant-writ petitioner on the one hand and the 4th respondent on the other, till then.

The Writ Appeal is, accordingly, disposed of. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.



RAMESH RANGANATHAN, ACJ

GUDISEVA SHYAM PRASAD, J.

Date: 28th November, 2017
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