

THE HON'BLE SRI JUSTICE P.KESHA VA RAO

WRIT PETITION No.34277 OF 2015

ORDER:

Heard the learned counsel for the petitioner, learned Government Pleader appearing for the respondents 1 to 3 and the learned counsel appearing for the 4th respondent.

The prayer sought for in the writ petition is as under:

“to issue Writ Order or Direction more particularly one in the nature of WRIT OF MANDAMUS declaring the highhanded and threatening attitude adopted by the 3rd respondent and demanding and insisting to petitioner to pay Rs. 6 lakhs to the 4th respondent instead of registering any crime against the petitioner is illegal, arbitrary and against the principles of natural justice and also violation of Articles 14 19 and 21 of the Constitution of India and consequently direct the respondents not to harass the petitioner in one way or the other and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

The 3rd respondent filed a counter affidavit stating that on 03.10.2015 he received a complaint from the 4th respondent through the Deputy Superintendent of Police, Nizamabad Division for enquiry and necessary action. As per the complaint, the petitioner being the doctor approached the 4th respondent for establishment of his practice and laboratory and asked for financial assistance. The petitioner promised that he would practice under the 4th respondent, who is the owner of the medical shop. Thereafter the 4th respondent spent more than Rs.30.00 lakhs for establishment of a hospital. But the petitioner changed his words and shifted his practice to some other place. When the 4th respondent asked for return of the said amount, the petitioner

threatened him with dire consequences. Pursuant to the said complaint, on 04.10.2015 the 3rd respondent called both the parties for the purpose of enquiry. During the course of enquiry, after hearing both the parties, the 3rd respondent came to know that there is a dispute between the petitioner and the 4th respondent regarding money transaction, which is purely civil in nature. Therefore, he suggested the 4th respondent to approach competent civil court for redressal. In the counter affidavit, it is specifically stated that the 3rd respondent never harassed/threatened or demanded the petitioner to pay Rs.6.00 lakhs to the 4th respondent or else he will implicate the petitioner in false case, as alleged in the writ petition.

Having regard to the said statement made by the 3rd respondent in the counter affidavit, this Court is of the opinion that no further orders are required.

Accordingly, the writ petition is dismissed. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

P.KESHAVA RAO,J

06th DECEMBER 2018.

Tsr