

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.9782 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim the following relief:

“For the reasons stated in the accompanying affidavit, the petitioner herein prays that this Hon’ble Court may be pleased to issue Writ of Mandamus or any other appropriate Writ or order or direction, declaring the action of the respondents herein in imposing restrictions on the free movement of the petitioner in and around India as arbitrary, illegal, unjust, and as in violation of fundamental rights of the petitioner and issue a consequential direction directing the respondents not to impose or continue any further any such restrictions on the free movement of the petitioner from and to India, or in any part of India, either on the basis of the said C.C.No.238 of 2013 on the file of Court of Judicial I Class Magistrate, or otherwise, and to pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

2. I have heard the submissions of Ms.*Sindhu Kumari*, learned counsel appearing for the petitioner; of Sri *K.Lakshman*, learned Assistant Solicitor General, appearing for the 1st respondent; of Sri *Surender*, learned Special Public Prosecutor for Central Bureau of Investigation, appearing for the 2nd respondent; and, of the learned Government Pleader for Home (A.P.), appearing for the respondents 3 to 5. I have perused the material record.

3. Learned counsel for the petitioner would submit as follows:
“The petitioner is a permanent resident of United Kingdom. A case in Crime No.189 of 2010 was registered by the Station House Officer, Srikakulam Police Station, Srikakulam District/5th respondent herein, against some individuals. The petitioner has no concern with either the individuals or the said crime. The State

Bank of India, represented by its Manager, Peddapadu Road, Srikakulam District/the 6th respondent herein, filed a complaint against S.Appa Rao and others and that in that complaint, the said person and others were shown as accused. No crime has been registered against the petitioner. However, the Police are imposing restrictions on free movements of the petitioner. Therefore, the present writ petition is filed.'

4. Learned Government Pleader for Home submits that as per the instructions received, no crime has been registered against the petitioner and the petitioner's name also does not appear in the website of the Police authorities and that no look out notice or red corner notice is also issued against the petitioner and that if the petitioner submits any details or documents, further verification would be made.

5. The sum and substance of the submission of the learned Government Pleader for Home is that no restrictions are being imposed on the free movements of the petitioner, as he is not involved in any crime and as no action is initiated against him for any coercive action, as per penal provisions and procedure established by law.

6. Learned counsel for the petitioner, in the light of the afore-stated submissions, submits that the submissions of the learned Government Pleader for Home may be recorded and the writ petition may be disposed of directing the Police Officers not to impose restrictions of free movements of the petitioner on his arrival in India.

7. Recording the submissions, the Writ Petition is disposed of directing the respondents 1 to 5 not to impose any restrictions on free movements of the petitioner on his arrival in India unless a crime is registered against him and that too without following the procedure established by law. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

M.SEETHARAMA MURTI, J

Date: 23rd April, 2018

KL





THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI



WRIT PETITION No.9782 of 2018

Date: 23rd April, 2018

KL