

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.10143 of 2018

ORDER:

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

“... to issue a writ or direction in the nature of writ, more particularly in the nature of Writ of Mandamus, declaring the action of the respondents 2 and 3 in calling the petitioner to the police station, taking his handprints, making him wait for hours and treating him like a criminal, without even disclosing the contents of the complaint against him or registering a case against him, all at the behest of respondent no.4 as being illegal, unconstitutional, violative of Article 14 and 21 of the Constitution of India, consequently direct the respondents nos.2 and 3 to produce the writings containing the signatures of the petitioner herein, handprints and any other document in their custody before this Honourable Court, **restrain** them from calling the petitioner to the police stations for any purpose, otherwise than in the due process of law and pass such other order or orders as the Honourable Court may deem fit and proper in the circumstances of the case.”

Learned counsel for the petitioner would submit as follows: - “The petitioner is engaged in legal profession since 2012. He is an alumni of Chinmaya Vidyalaya, Kundanbagh, having studied in the said institution from 1994 to 2007. The 4th respondent is also an alumni of the said institution. She is his batch-mate till 2000. They studied in different sections until the year 1999. In the year 2012, the petitioner again came into contact with the 4th respondent over private messages on face book. During the course of such exchange of messages, the 4th respondent

started sending him flirtatious messages from time to time. Later the 4th respondent lodged a false complaint before the 2nd respondent-Station House Officer, Panjagutta Police Station, on 05.03.2018. He was informed about the same by the police. On 07.03.2018, the petitioner received a phone call from the said police officer. Later, though no crime has been registered against the petitioner, the petitioner and his mother were called to the police station and their finger prints were obtained illegally. At no point of time the petitioner had a face to face contact with the 4th respondent after they departed from the educational institution. The report is lodged by the 4th respondent with false allegations. Under the guise of the said report from the 4th respondent and without disclosing the contents of the report, the police officers are repeatedly calling the petitioner and his mother to the police station and making them wait for hours together in the police station by treating the petitioner and his mother as criminals. Hence, the writ petition is filed.'

Learned Government Pleader, on written instructions, dated 02.04.2018, a copy of which is placed on record, would submit that on the report of the 4th respondent a case in Crime No.147 of 2018 was registered, on 29.03.2018, by the Station House Officer, Panjaguuta Police Station, for the offences punishable under Sections 354-A & 507 of IPC and that the investigation into the said crime is taken up and that none of the police officers have taken the finger prints of the petitioner and his mother as alleged.

In reply, learned counsel for the petitioner would submit that the afore-said crime has been registered after the filing of the present writ petition.

Having regard to the facts and submissions, the Writ Petition is disposed of directing the respondents 2 & 3 not to call the petitioner to the police station except in connection with the investigation into the afore-stated crime 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.

11.04.2018.
Vjl

A circular green seal of the High Court of Judicature at Hyderabad, State of Andhra Pradesh. The outer ring contains the text 'HIGH COURT OF JUDICATURE AT HYDERABAD' and 'FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH'. The inner circle features a central emblem with a lamp and a book, flanked by the words 'WISDOM' and 'JUSTICE'. Below the emblem is a red lotus flower. At the bottom, the Sanskrit motto 'सत्यमेव जयते' is inscribed.

M.SEETHARAMA MURTI, J