

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.10359 OF 2018

ORDER:

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

“...to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 4th respondent herein in the capacity of 3rd respondent illegally detained the petitioner's Maruti Alto vehicle bearing Reg. No.AP-28-DL-8914 without any complaint or case registered, as being illegal, arbitrary, unjust and consequently direct the 2nd respondent herein to take stringent action against the 4th respondent for indulging in illegal methods of interfering in the civil issues and further direct the Respondent No.3 and 4 not to interfere with the personal and liberty of the petitioner, and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.”

2. I have heard the submissions of *Sri Gajanand Chakravarthy*, learned counsel appearing for the petitioner, and of the learned Government Pleader for Home (TG) appearing for respondent Nos.1 to 3. I have perused the material record.

3. Learned counsel for the petitioner would submit as follows:
The petitioner's brother is a business man. There were some business transactions between the petitioner's brother and one Sharath. On account of some disputes, supply of cotton was stopped by the petitioner's brother to the said Sharath. The said Sharath, by misusing his influence and power and despite the fact of no crime is registered against the petitioner, made the police to forcibly seize the petitioner's Maruthi Car bearing registration

No.AP-28-DL-8914 to pressurize the petitioner's brother to supply cotton to him. The petitioner is being threatened that he would be implicated in criminal cases. Therefore, the Writ Petition is filed.'

4. At the hearing, learned counsel for the petitioner would also submit that after the Writ Petition is filed, the seized Maruthi Car of the petitioner was released by the police, but, the harassment is being continued.

5. Learned Government Pleader for Home (TG), on written instructions, a copy of which is placed on record, would submit that one Manoj Kumar lodged a report against the petitioner in regard to the loan transaction and that on receipt of the said report, an entry was made in the General Diary for enquiry by following the decision of the Honourable Supreme Court and that a preliminary enquiry was also held and that the petitioner voluntarily came to the police station and left the vehicle at the police station and that he later collected the same and that till date, no case is registered against the petitioner, as the dispute is civil in nature and that the Writ Petition is filed with false and frivolous allegations to prevent the police from proceeding against the petitioner in accordance with law, in the event of registration of any crime against him.

6. Having regard to the submissions, the Writ Petition is disposed of directing the police officers, respondent Nos.2 and 3, not to call the petitioner to the police station, unless a crime is registered against him in accordance with the procedure

established by law and his presence is required for interrogation in such crime.

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

There shall be no order as to costs.

M.SEETHARAMA MURTI, J

April 04, 2018.
MD

