

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.11813 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner to declare the action of respondents 2 and 3 in calling the petitioner to the police station without any reason or cause, as illegal, arbitrary, unconstitutional and in violation of principles of natural justice.

2. I have heard the submissions of the learned counsel for the petitioner and of the learned Government Pleader for Home (A.P.) appearing for the respondents. I have perused the material record.

3. Learned counsel for the petitioner would submit that though the petitioner is not involved in any crime and he has no civil dispute with any person, the respondent police are calling him to the police station repeatedly and interfering with his peaceful life and liberty.

4. Learned Government Pleader for Home, on written instructions, a copy of which is placed on record, would submit that one Bibi Arshiya, who belongs to the same community of the petitioner, lodged a report with the Station House Officer, Rajahmundry II Town Police Station; that based on the said report, a case in Crime No.88 of 2018 was registered against the petitioner for the offences punishable under Section 376 r/w 511 of the Indian Penal Code and

Sections 323 and 506 I.P.C; that the whereabouts of the petitioner were not found; that the investigation into the said crime is in progress; that the wound certificate of the victim is awaited; and, that the present writ petition is filed to prevent the police from proceeding with the investigation into the aforestated crime.

5. Learned counsel for the petitioner, in reply, would submit that the petitioner is not aware of the registration of the crime till date.

5. Having regard to the submissions, the writ petition is disposed of directing the respondent police officers not to call the petitioner to the police station except in connection with the interrogation in the aforestated crime, that too, without following the procedure established by law. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M. SEETHARAMA MURTI, J

Date: 10.04.2018
va