

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.12279 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 a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the high handed action of the 5th respondent in calling the petitioner to the police station day in and day out and sending police constables to the residence of the petitioner in odd hours, though he is not involved in any crime, without following due procedure under law, as being illegal, arbitrary, contrary to the provisions of the Code of Criminal Procedure and violative of Art.14 and 21 of the Constitution of India and consequently direct the respondents not to harass the petitioner in any manner, including calling to the police station without following due procedure of law.”

2. I have heard the submissions of Sri M.Karuna Sagar, learned counsel for the petitioner, and of the learned Government Pleader for Home (TG), appearing for the respondents 1 to 4. I have perused the material record.

3. At the hearing, learned counsel for the petitioner would submit as follows:

The 5th respondent, who is the Station House Officer, Shamshabad Police Station, is unnecessarily calling the petitioner to the police station and is also forcing the petitioner to come to the police station and is harassing him; that the said actions of the police officer against the petitioner, who is a law abiding citizen, are in utter violation of the provisions of the Code of Criminal Procedure, 1973 and Articles of the Indian Constitution.

4. Learned Government Pleader for Home, on written instructions, dated 11.04.2018, would submit that on the report of one Gudala Sahadev, R/o.Mamillagudem, lodged with Shamshabad Police Station, Cyberabad, a case in Crime No.435 of 2017 was registered under Sections 419 and 420 I.P.C., on 04.10.2017; that investigation is taken up into the said crime; that the Investigating Officer sent a notice, dated 09.04.2018, under Section 91 Cr.P.C. to the petitioner requesting to appear before the Investigating Officer along with relevant documents pertaining to the land, which is the subject matter of the said crime, and give a statement, to proceed with the further course of investigation into the case; and, that instead of cooperating with the Investigating Agency, the petitioner, on mere apprehension, filed this writ petition.

5. Learned counsel for the petitioner, in reply, would submit that the petitioner is totally unconcerned with the documents related to the property involved in the crime and that he is not even an attester in the sale deed related to the said property; that he is being unnecessarily called to the police station; and, that even the notice issued under Section 91 Cr.P.C., is tampered with by meddling with the date of the notice.

6. Recording the submission, the Writ Petition is disposed of directing the respondents 4 and 5 not to call the petitioner to the police station unless his presence is required as a witness in the aforesaid crime, that too, without following the procedure established by law, and without issuing a fresh notice, if

necessary, under Section 91 Cr.P.C. There shall be no order as to costs.

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

JUSTICE M.SEETHARAMA MURTI

Date: 23.04.2018

Note:- Furnish C.C. within two days.

B/O

AMD



THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI



WRIT PETITION No.12279 OF 2018

DATE: 23.04.2018

AMD