

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.12668 of 2018

ORDER:

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

“For the reasons stated in the accompanying affidavit prayed that this Hon’ble Court may be pleased to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in summoning the petitioners to the 4th respondent Police Station on false complaint registered against the elder son of petitioner No.1 who working abroad without there being their involvement in FIR No.229 of 2018 for the offences under Sec.354, 323, 504, 506 IPC as illegal, arbitrary, arbitrary, contrary to the settled principles of law and consequently direct the official respondents to close the FIR No.229 of 2018 as false and concocted and 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 Smt *Indira*, learned counsel appearing for the petitioners, and of the learned Government Pleader for Home (Telangana) appearing for the respondents 1 to 4. I have perused the material record.

3. At the hearing, learned counsel for the petitioners submits that a case in Crime No.229 of 2018 was registered, on 05.04.2018, against the eldest son of the petitioners 1 & 2, by the Station House Officer, Malkajgiri Police Station, Hyderabad/4th respondent herein, for the offences punishable under Sections 354, 323, 504 & 506 of Indian Penal Code, 1860; that the petitioners herein are not involved in any crime, much less the afore-stated crime; that the eldest son of the petitioners 1 & 2, who is the sole accused in the afore-stated crime, is not in India and was abroad since more than one year, as is evident from a copy of the passport, which is filed

along with the material papers; and that the present crime is registered in anticipation of his return to India to ruin his personal life.

4. Learned Government Pleader for Home, on written instructions, dated 12.04.2018, a copy of which is placed on record, while reiterating the fact about the registration of the afore-stated crime for the afore-stated offences against the eldest son of the petitioners 1 & 2 herein, would submit that the investigation into the afore-stated crime is at the initial stages and that the allegation that in connection with the said crime, the Police are harassing the petitioners is false and that the present writ petition is filed intending to prevent the Police from conducting a fair and proper investigation into the crime registered against the eldest son of the petitioners 1 & 2 and to save their son from criminal prosecution.

5. Recording the submissions, the Writ Petition is disposed of directing the Station House Officer, Malkajgiri Police Station, Hyderabad/4th respondent herein, not to call the petitioners to the Police Station and follow the procedure established by law, in the event their presence is necessary at the Police Station while investigating into the afore-stated crime. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

M.SEETHARAMA MURTI, J

Date: 20th April, 2018

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