

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.12950 OF 2018

ORDER:

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

“to issue a writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents no.2 to 6 in calling the petitioners to the police stations without registering any crime and threatening the petitioners to compromise with the respondents no.7 to 9 in matrimonial matter is illegal, arbitrary and in violation of principles of natural justice and consequently direct the respondents not to call the petitioners and harass.”

2. I have heard the submissions of Sri T.Pradyumna Kumar Reddy, learned counsel for the petitioners, and of the learned Government Pleader for Home (A.P.), appearing for the respondents 1 to 6. I have perused the material record.

3. Learned counsel for the petitioners would submit that after investigation into the only crime that was registered against the petitioners viz., Crime No.26 of 2017 of Badvel Rural Police Station, a final report has been filed referring the case as 'False'; that except that crime, no other crime is registered against the petitioners; that therefore, the look out notice, which was issued pursuant to the registration of the said crime, is liable to be recalled; that there was no need for the police officers, in the facts and circumstances of the case, to call the petitioners repeatedly to the police station and detain them in the police station for hours together; and that since the petitioners are being called to the

police station and are being harassed, the present writ petition is filed.

4. Learned Government Pleader for Home, on instructions, does not dispute the closure of the crime aforestated after filing of the final report/referred report. He would also submit that he has to receive instructions as to the action taken on the look out notice for its recall. He also submits that the allegations in the writ petition are all false and invented and the police never called the petitioners to the police station and harassed them, as alleged in the writ petition. According to him, the required procedure is to be followed even in a case where the look out notice is required to be recalled.

5. In that view of the matter, the Writ Petition is disposed of directing the respondents 2 to 6 not to call the petitioners to the police station unless a crime is registered and their presence is required, that too, without following the procedure established by law. The respondents 2 to 6 are further directed to take necessary steps for recall of the look out notice, within a reasonable time, by following the procedure established by law. 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: 24.04.2018
AMD

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