

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No. 722 of 2016

ORDER:

The action of respondent Nos.4 and 5, in insisting the petitioner and his family members to pay an amount of Rs.5.00 lakhs, is questioned in the Writ Petition as being illegal and arbitrary.

In the affidavit filed in support of the writ petition, it is stated that, on 08.12.2015 at 3.00 P.M. respondent Nos.4 and 5 had taken the petitioner into custody, detained illegally and directed to pay Rs.5.00 lakhs; notice dated 08.12.2015, under Sections 90 and 160 Cr.P.C, was served on the petitioner directing him to appear before the office of respondent No.4 on 14.12.2015; again, on 23.12.2015, at about 11.00 a.m. respondent No.5 searched the petitioner's house and served notice dated 23.12.2015, under Sections 91 and 160 Cr.P.C, directing him to appear before the office of respondent No.4 on 24.12.2015 as it has come to light, during the course of investigation, that the Chairman and M.D. of Avani Gold Farms and Estates Pvt. Ltd. gave advance of Rs.5.00 lakhs to sell Ac.12.00 of land in Anantapur District to Company but neither the land was sold nor advance was repaid to the Company; on 24.12.2015 petitioner approached the office of respondent No.4 but respondent No.4 was not present; and on 05.01.2016, the police sent constables to the house of petitioner, took petitioner's brother and father into custody

and were released on the condition that they would pay Rs.5.00 lakhs otherwise appropriate steps would be taken.

In his counter affidavit, respondent No.4 denied the averment that petitioner was taken into custody on 08.12.2015, detention thereof and demand of Rs.5.00 lakhs.

Learned counsel for the petitioner submits that, at no point of time, Avani Gold Farms Estate Pvt Ltd. had advanced Rs.5.00 lakhs for purchase of land.

As per the notices issued by the Inspector of Police, CID, Regional Office, Kurnool, enquiry was conducted in relation to Crime Nos.149, 25 and 86 of 2013 and notices, under Sections 91 and 160 Cr.P.C, were issued to the petitioner on 08.12.2015 and 23.12.2015. Notices would go to show that police are investigating into the crimes registered suspecting involvement of petitioner. The specific allegation, of the petitioner that respondent Nos.4 and 5 are demanding to pay Rs.5.00 lakhs on specified dates, has been denied by respondent No.4.

The allegation, of the petitioner that respondent Nos.4 and 5 are demanding to pay Rs.5.00 lakhs, has since been denied by respondent No.4, no relief can be granted to the petitioner except directing the respondent – officials to follow the procedure contemplated under the provisions of Criminal Procedure Code while investigating into the matter.

With the above observation, the Writ Petition stands disposed of.

Miscellaneous petitions, if any pending, shall stand closed.

GUDISEVA SHYAM PRASAD, J

Date:17.04.2018
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