

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.14306 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 Writ, Order, or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent Nos.3 and 4 in interfering with the Petitioner’s life by threatening and harassing him as arbitrary, illegal and unconstitutional and violative of Petitioner’s fundamental rights guaranteed under Article 21 of the Constitution of India and consequently direct the respondents not to subject the petitioners to any harassment or implicating false cases.”

2. I have heard the submissions of Sri V.Venkata Nagaraju, learned counsel for the petitioner, and of the learned Government Pleader for Home (A.P.), appearing for the respondents 1 to 4. I have perused the material record.

3. The case of the petitioner is as under:

The petitioner was originally a tenant in the house of the 5th respondent. He took a hand loan of Rs.4,00,000/- from the 5th respondent and a loan of Rs.2,00,000/- from the 6th respondent and executed promissory notes and issued blank cheques as a security for due repayment of the said loans. The petitioner suffered loss in his business. Hence, he could not repay the debts due to the respondents 5 and 6. While so, respondents 3 and 4/police officers called the petitioner to the police station and subjected him to ill-treatment and obtained his signatures forcibly on a stamp paper by mentioning therein that he took a loan of Rs.10,50,000/- from the 5th respondent and Rs.8,00,000/- from the 6th respondent and that he repaid Rs.2,50,000/- out of the

said total amount. Questioning the said illegal action, the present writ petition is filed.

4. Learned government Pleader for Home, on written instructions, dated 23.04.2018, a copy of which is placed on record, would submit as follows:

On the complaint of the 5th respondent, a case in crime No.125 of 2018 was registered, on 15.02.2018, against the petitioner, on the file of Krishnalanka Police Station, for the offence punishable under Section 420 I.P.C.; that investigation into the said crime is in progress; that a notice under Section 41-A of the Code of Criminal Procedure, 1973, was served on the petitioner, on 19.02.2018, directing him to attend the police station, on 27.02.2018; but, the petitioner failed to comply with the request in the said notice; and, that except conducting investigation into the aforestated crime, no further acts are committed by the police officers, as falsely alleged in the writ petition.

5. Recording the said submissions, the Writ Petition is disposed of directing the respondents 3 and 4/police officers to proceed with the investigation into the aforestated crime strictly in accordance with the procedure established by law and reserving liberty to the petitioner to approach an appropriate Forum for any other remedies, which the law permits. 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
AMD

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