

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.15564 OF 2018

ORDER:

In this Writ Petition, under Article 226 of the Constitution of India, the grievance of the writ petitioner is in respect of harassment being caused to the petitioner by the officers and staff of the 4th respondent police station at the instance of the 5th respondent.

2. I have heard the submissions of Sri P.Subash, 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 Government Pleader for Home, on written instructions, dated 30.04.2018, a copy of which is placed on record, would submit that one M.Amarender i.e., the 5th respondent, lodged a report against the petitioner herein and that on that, a case in Crime No.269 of 2018 was registered, on the file of the 4th respondent police station, for the offences punishable under Sections 420 and 408 IPC that investigation into the said crime is in progress and that the contrary allegations in the writ petition are false and invented. A copy of the F.I.R. issued in the said crime is placed on record along with the written instructions.

4. In reply, learned counsel for the petitioner would submit that if the writ petition is disposed of recording the submissions of the learned Government Pleader and directing the police officer concerned to follow the mandate of the provision of Section 41-A of

the Code of Criminal Procedure, 1973 ('the Code', for short) and the precedential guidelines in the decision in **Arnesh Kumar Vs. State of Bihar and another**¹, the grievance of the petitioner will stand redressed.

5. Having regard to the submissions, the Writ Petition is disposed of directing the Station House Officer, Meerpet Police Station, not to call the petitioner to the police station except during the course of interrogation into the aforesaid crime, that too, without following the procedure established by law. It is also made clear that in the event the offences are punishable with a term of seven years or less, the police officer concerned, shall during the course of investigation, follow the precedential guidelines in **Arnesh Kumar's** case (1 supra) and also the mandate of law laid down in Section 41-A of the Code. 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: 30.04.2018
AMD

¹ [2014 (2) ALT (CrI.) 457 SC]

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