

HONOURABLE SRI JUSTICE GUDISEVA SHYAM PRASAD.

WRIT PETITION No. 383 OF 2016

O R D E R :

The petitioners 1 to 3 have filed the present writ petition seeking for mandamus to declare the action on the part of the first respondent in calling the petitioners to the Police Station time and again repeatedly and abusing them in filthy language and intimidating them to withdraw the cases filed by them which are subject matter of Crime No.64 of 2015 and Crime No. 65 of 2015 of Korsiapadu Police Station, Prakasam district, as highly illegal and arbitrary.

2. The brief facts of the case are that the second petitioner has filed her affidavit stating that on 03/11/2015 at about 03:30 hours while they were at house of their grand mother, one Mannem Guravaiah and his family members along with some unsocial elements started constructing a wall in the land owned by her grand mother. Her grand mother objected for the same and they have abused her in filthy language and beat her indiscriminately with sticks resulted in bleeding injuries and fracture to her hand. She gave a report to the Police Korsiapadu and they have registered a case in Crime No. 64 of 2015 for the offences punishable under section 324 and 509 read with section 34 of I.P.C.

3. The deponent further states that the police have not taken any action in respect of the incident that took place on 03/11/2015. The accused on coming to know about the lodging of the report against him came to their house and caught hold of her neck and pushed her down and beat her with sticks on her back and all over his body including her legs and she suffered grievous injuries. She reported the matter to the Police Korisapadu, who in turn registered a case in Crime No. 65 of 2015 for the offences punishable under section 452, 324, 509 read with section 34 of IPC.

4. The deponent further states that the Police have not taken any action in Crime Nos. 64 and 65 of 2015 by arresting the accused nor investigated the crimes. On the other hand, they have taken a complaint from Mannem Sampathemma, who is related to the accused in the said crime, wherein she stated that the entire family members of the petitioners have criminally trespassed in to their house and out-raged their modesty. It is further stated that the Police without exercising the powers vested under section 41 of Cr.P.C., straightaway arrested all the petitioners and the witnesses who have witnessed the incident in Crime No. 65 of 2016 of Korisapadu Police Station and produced them before the Court of Judicial Magistrate of First Class, Addanki, Prakasam district on 03/12/2015.

5. It is further stated that the respondent No.1 repeatedly calling the petitioners to the Police Station making them to sit in

the Police Station from morning to noon hours and insisting them to withdraw the cases filed by them in Crime No. 64 and 65 of Korisapadu and threatened them with dire consequences.

6. The averments in the affidavit filed by the petitioners appears to be true in all respects and there is no doubt or hesitation to disbelieve the averments made in the affidavit. The respondents 1 and 2 might be calling the petitioners to the Korisapadu Police Station and making them to sit from morning till evening and were harassing them. Therefore, the respondents are directed not to interfere with the personal liberty of the petitioners, who have filed a complaint against the respondents in Crime No. 64 of 2015 and Crime No. 65 of 2015 of Korsiapadu Police Station.

7. The respondents 1 and 2, who are Sub-Inspector of Police, Korisapadu Police Station and Inspector of Police, Addanki, Prakasam district have not filed their counters denying the allegations made by the petitioners herein, though they have knowledge about the pendency of this writ petition.

8. Therefore, this writ of mandamus is allowed, directing the respondents 1 and 2 not to interfere with the personal liberty of the petitioners in any manner. The respondents 3 and 4 are directed to take disciplinary action against the respondents 1 and 2; Sri Srinivasa Rao, Sub-Inspector of Police, Korisapadu Police Station, Prakasam district and Inspector of Police, Addanki, Prakasam district, for interfering with the personal liberty of the

petitioners and provide necessary police protection as requested by them in this writ petition.

9. With the above observations, this writ petition is allowed.

No costs.

10. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE GUDISEVA SHYAM PRASAD.



17/04/2018.
I s L

N B :

Registry is directed to communicate a copy of this order to the respondents 3 to 5 forth with.

HONOURABLE SRI JUSTICE GUDISEVA SHYAM PRASAD.



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Date : 17/04/2018
Court Master: I s L.