

THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION NO.32287 OF 2017

ORDER:

This Writ Petition is filed to declare the action of the fourth respondent in interfering with the petitioners' constitutional and fundamental rights by threatening and harassing the petitioners to pay the loan amounts, which are due by the son of petitioners 2 and 3 i.e., one Papa Rao in relation to FIR No.294 of 2016 of P.S. Kukatpally Housing Board, Hyderabad, as illegal.

On 21.09.2017, while issuing notice before admission, this Court granted interim direction to the respondent-authorities not to call the petitioners unnecessarily to the Police Station unless there is a specific crime registered against them.

The brief facts of the case are that the second petitioner is a farmer and earning livelihood by agriculture. On 10.09.2017, the fourth respondent along with five personnel went to the petitioners' house and illegally detained the son of the second petitioner i.e. Papa Rao, as he borrowed loan from the bank and not repaid the loan amount. As the first and third petitioners were under impression that the fifth respondent has detained the second petitioner, as such the first petitioner has approached this Court and filed WP.No.30933 of 2017. Further, the fourth respondent, having found that writ of habeas corpus has been filed, released the second petitioner on 12.09.2017. After releasing the second petitioner, the respondents started pressurising the first petitioner and asking him to come to the Police Station and settle the matter with the bank, which is due by the first petitioner's brother i.e. Papa Rao. As the petitioners have not come forward to settle the

loan amount received by the second petitioner's son i.e. Papa Rao, the fourth respondent has send two police personnel to the petitioners' village on 16.09.2017 and enquired about the said Papa Rao. As he was not available, the police personnel threatened the second and third petitioners sating that if the loan amount is not settled, they have to face serious consequences and further, they may arrest the petitioners in relation to the complaint in FIR No.294 of 2016. Further, on 19.09.2017, the first and third petitioners received a call from mobile No.9491053279 stating that they are police calling from Hyderabad and asked them to come to Kukatpally Police Station and settle the matter. On the same day, the fifth respondent has sent the police to the petitioners' house calling them to the Police Station.

Counter affidavit has been filed by the fourth respondent stating that the brother of the petitioner by name Papa Rao, who is son of second and third petitioners, is shown as accused in the FIR No.294 of 2016 for the offences under Sections 406 and 420 IPC dated 04.04.2016 on the file of the KPHB Police Station, Cyberabad Commissionerate. Since the date of registration of the FIR, the son of the petitioners' has been absconding. It is also stated in the counter that the petitioners are not at all required in the afore-registered case but the son of the petitioners is required but his whereabouts are not known till date.

As it is categorically stated in the counter affidavit filed by the fourth respondent that the petitioners are not at all required in the case registered against the son of second and third petitioners, no further orders are necessary in the Writ Petition.

Accordingly, the Writ Petition is closed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(KONGARA VIJAYA LAKSHMI, J)

5th January 2018
RRB

