

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.27427 OF 2018

ORDER :

This writ petition is filed challenging the action of the 2nd respondent in harassing the petitioner by calling him to the police station and making him sit hours together and also insisting him to produce the original will deed dated 15.07.2018 and threatening him to arrest, though petitioner's name is not shown as accused in Crime No.278/2016, dated 01.11.2016.

Learned Assistant Government Pleader for Home produced written instructions stating that petitioner, earlier, filed WP.No.27463/2018 for quashing of FIR No.278/2016, dated 01.11.2016, but without disclosing the said fact, present writ petition is filed. It is also stated that petitioner was issued notice under Section 91 of Cr.P.C. asking him to produce the original 'Will Deed' dated 15.07.2018, to verify its genuineness, for which the petitioner also submitted reply stating that the original Will Deed is filed in the Court of XI Addl.Chief Judge, City Civil Court, Hyderabad, in OS.No.529/2014; that thereafter the Investigating Officer made a requisition to the IV Addl.Chief Metropolitan Magistrate, Hyderabad, requesting to address a letter to the XI Additional Chief Judge, City Civil Court, Hyderabad, for transmitting the original document, i.e. Will Deed dated 15.07.2006 filed in OS.No.529/2014; that in turn, the Civil Court replied to the IV Addl.Chief Metropolitan Magistrate, stating that the original Will Deed had been returned to Accused No.1-

J.Sharada, on 25.03.2015. It is also stated that the petitioner is required only for the purpose of further investigation; and that the petitioner instead of cooperating with the investigating agency filed present writ petition. It is also stated that Accused Nos.1 and 2 appeared before the Investigating Officer and they were released as per law.

Learned counsel for the petitioner submits that when permission granted for construction of a residential building in favour of petitioner's vendor was revoked by the GHMC, she filed WP.No.25491/2016 and this Court suspended the revocation order in WP.MP.No.31482/2016, on 03.08.2016.

In this case the only grievance of the petitioner is that though the petitioner was not an accused in Crime No.278/2016, respondent police are trying to arrest the petitioner and calling him to the police station and insisting him to produce the original 'Will Deed' dated 15.07.2006. No doubt, petitioner has not mentioned about filing of WP.No.27463/2018 as alleged by the Assistant Government Pleader for Home. But, the fact remains, as on today, petitioner is not accused nor any complaint is registered against the petitioner. Now, it is stated that the original 'Will Deed' dated 15.07.2006 is with Accused No.1, as the same was returned to him by the Civil Court. As such, the respondent police cannot insist the petitioner to produce the said Will Deed, since petitioner is not an accused in the said crime, as on today.

In view of the same, the respondent police are directed not to harass the petitioner and also not to interfere with the life and liberty of the petitioner, except in accordance with law.

Accordingly, the writ petition is disposed of. No order as to costs.

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

20.08.2018
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A.RAJASHEKER REDDY, J

