

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No.4796 of 2016

ORDER :

This writ petition is filed by the petitioners seeking *Writ of Mandamus* declaring the action of respondent Nos.3 and 4 in calling the petitioners to respondent No.3 – Police Station, at the instance of respondent No.5, as illegal and arbitrary, and consequently sought a direction to respondent Nos.3 and 4 not to harass the petitioners nor implicate them in false cases.

The case of the petitioners is that respondent Nos.3 to 5 have been calling the petitioners to the Central Crime Station (CCS), Hyderabad and made them to wait in the Police Station for several hours as respondent No.5 has filed a complaint against Mohd. Abrar Saleem before the CCS, Hyderabad, in respect of some business transactions between them and FIR.No.286/2015, dated 17.11.2015 has been registered. The allegations in the said FIR are that Mr. Abrar Saleem has collected several amounts from respondent No.5 and his friends with regard to some business transactions and failed to repay the same and the said complaint was referred to the police of CCS, Hyderabad, under Section 156(3) of Cr.P.C. and basing on that they registered the above FIR.No.286/2015. It is the case of the petitioners that unnecessarily respondent Nos.3 and 4 are calling them to the

Police Station in respect of the said FIR with which they are not concerned.

Learned counsel for the petitioners is not present and there is no representation on his behalf.

The learned Assistant Government Pleader for Home submits that he has received written instructions from the Inspector of Police, WCO Team-VII, CCS, DD, Hyderabad, and in para-5 of the said instructions, it is stated that Sri Mohammed Jaweed Hussain, PC-7866 was deputed to the house of the accused – Mohd. Abrar Saleem with instructions to serve notice under Section 41-A(1) Cr.P.C. on him and as the accused was not present in the said house, the said Police Constable after informing to one of the family members of the accused about the purpose of his visit, asked them to send the accused to CCS, DD, Hyderabad, for the purpose of investigation. It is stated that except deputing Sri Mohammad Jaweed Hussain to the house of the accused for service of notice under Section 41-A(1) as part of investigation, the police have not called the petitioners to the police station and made them to wait hours together unnecessarily.

In the light of the above written instructions and the submissions made by the learned Assistant Government Pleader for Home, the allegations made by the petitioners in the affidavit filed in support of the writ petition do not appear to be true.

In view of the submissions made by the learned counsel for the petitioners and the material available on record, it is appropriate to give a direction to the police concerned not to interfere in the civil matters and to follow the guidelines issued by this Court in DARAPANENI KRISHNA MURTHY Vs. SUPERINTENDENT OF POLICE AND OTHERS¹ and also the Circular Orders issued by the Director General of Police of the State.

With the above observations, this writ petition is disposed of. No order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.



GUDISEVA SHYAM PRASAD, J

26.04.2018.
Msr

¹ 2008 (4) ALD 105

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