

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Writ Petition No.32843 of 2018

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking verbatim the following relief/s:

‘...to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of 3rd respondent calling the petitioners to the Office on behest of the 4th and 5th respondents and ordered for settlement with one Imtiyaz Khan and forced to give evidence without any crime against petitioners is illegal, arbitrary, unconstitutional and cutting short the petitioner fundamental rights and constitutional rights guaranteed under the Constitution and consequently direct the 3rd Respondent not to call the petitioners and pass such other order or orders...’

I have heard the submissions of the learned counsel appearing for the petitioners and of the learned Government Pleader for Home appearing for the respondents 1 to 3. I have perused the material record.

The case of the petitioners is that in the case in Crime No.95 of 2018 registered against the accused on the file of Begum Bazar Police Station, Hyderabad, for the offences punishable under Sections 420, 464, 467, 468 IPC, the accused obtained anticipatory bail and also an order from a civil Court and that these petitioners are only witnesses to a hand loan agreement and that despite the said facts, the police are insisting upon the petitioners to settle the dispute with which the petitioners have no concern and that as they are being repeatedly called to the police station they are apprehending arrest and, therefore, they filed the present writ petition.

Learned Government Pleader for Home, on written instructions, dated 12.09.2018, a copy of which is placed on record, would submit that the petitioners are only witnesses to the hand loan agreement is true and that the investigating agency is only attempting to serve notice under Sections 91 and 160 of CrPC on the petitioners only to make them co-operate with the investigating and not for any other purpose.

Having regard to the submissions, the Writ Petition is disposed of directing the Station House Officer, Begum Bazar Police Station – 3rd respondent to secure the presence of the petitioners as witnesses on any date between 09:00 AM and 04:00 PM, within coming two weeks from the date of receipt of a copy of this order, for their examination in connection with the afore-stated crime, that too in the presence of their counsel and complete the necessary exercise. It is made clear that the said respondent shall not take any coercive action against the petitioners while investigating into the afore-stated crime.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

M.SEETHARAMA MURTI, J

14.09.2018

Vjl