

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.818 of 2017

ORDER:

The prayer in the writ petition is as under:

“to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of respondents 3 & 4 in forcibly taking petitioner No.1 to the police and illegally detained him in custody on 30-12-2016 and threatening to appear before them along with his parents i.e., petitioners 2 & 3 for settling the issue with respondent No.5 without there being any complaint or case registered as being illegal, arbitrary, unconstitutional and in violation of the Article 21 of the Constitution of India and consequently direct respondent No.2 herein to take action against the respondents 3 & 4 for misusing their official power at the behest of respondent No.5 and pass...”

2. Heard the learned counsel for petitioners, and the learned Government Pleader for Home (A.P.) on behalf of the respondents 1 to 4 and perused the counter affidavit filed by respondent No.3 and the additional affidavit filed by petitioner No.1 in support of the writ petition and the Commissioner's report of Sri Y.Ramatirtha, Advocate Commissioner appointed by this Court vide order dated 04.04.2017.

3. As per the claim of writ petitioners and the writ petition averments, the respondents 3 & 4 vis-à-vis the Ongole I Town Police, Prakasam District are liable for the criminal acts of the kidnapping/ abduction/ wrongful confinement and hurt. In fact, the counter affidavit of respondent No.3 is denying all

the averments. The copy of the Commissioner's report served on the petitioners is not in dispute.

4. Having regard to the above, this Writ Petition is disposed of by directing the respondents 1 to 4 not to interfere with the personal liberty of petitioners except through due process of law. So far as the so-called acts of the criminal offences alleged concerned, liberty is left open to any of the petitioners to take legal course by private complaint or otherwise against those responsible. No order as to costs.

Miscellaneous Petitions pending, if any, shall stand closed.

25.04.2018
MVA

Dr. B. SIVA SANKARA RAO, J

