

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.979 OF 2019

DATED :23.01.2019

Between :

Mohammed Ubedur Rahman,
S/o.Mohammed Abdul Gani,
Aged about 62 yrs, Occu : Retired employee,
R/o.Flat No.405, Classic Enclave Apartments,
Satya Colony, Tolichowki, Hyderabad.

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Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Home Department,
Secretariat, Secretariat Buildings,
Hyderabad & others.

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Respondents

This court made the following :

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ORDER :

Heard learned counsel for the petitioner, and learned Government Pleader for Home for respondents 1 to 3.

2. According to petitioner, himself, his wife and his son by name Mohammed Ataur Rahman are residing in Flat No.405, Classic Enclave Apartments, Satya Colony, Tolichowki, Hyderabad. Petitioner alleges that on 12.01.2019 he went out with his wife for regular medical check up and when they returned, they were informed by their watchman that at 4.00 p.m., four persons came to their place claiming themselves as police from Golconda Police Station, Hyderabad and were waiting for them. It is further alleged that the said persons have informed that they came to arrest them. Petitioner came to know that arrest warrant against his son is pending in M.C.No.195 of 2017 before the Additional Metropolitan Sessions Judge for the Trial of Jubilee Car Bomb Blast Case-cum-Additional Family Court-cum-XXIII Additional Chief Judge, Hyderabad.

3. It appears from the averments made in the affidavit that his son married Dr. Sara in the year 2014, but their marital relationship is strained resulting in filing of cases against the son of petitioner by his estranged wife. D.V.C.No.130 of 2017 is pending on the file of IV Metropolitan Magistrate, Hyderabad, and case under Section 498-A of Indian Penal Code is also filed against the petitioner. In M.C.No.195 of 2017 the Court passed

ex parte order against his son on 13.04.2018. Petitioner contends that he is no way concerned with the said case and therefore, the question of petitioner being arrested would not arise nor can petitioner be harassed, whereas, police are harassing and humiliating the petitioner. Therefore, in this writ petition, petitioner prays to declare the action of the respondents in illegally and highhandedly interfering with the personal liberty of the petitioner by visiting his house, harassing and threatening him to produce his son before them in connection with the warrant issued on 01.12.2018 by the said Court.

4. As per the instructions furnished by the Sub-Inspector of Police, Golconda Police Station, Hyderabad, since police have to execute the warrant issued by the competent Court, on 12.01.2019 the Station House Officer, Golconda Police Station, deputed Sri E.Hemanth Kumar, PC 3498 to execute the arrest warrant on Mohammed Ataur Rahman and for that purpose they have visited the residence of petitioner. The instructions furnished would also show that there is no intention for the police to harass and humiliate the petitioner.

5. Since warrant is issued by the competent Court, it is the duty of concerned police to execute the warrant. Even according to the averments of the petitioner, his son is residing with him in the apartment. Therefore, it cannot be said that police are illegally interfering into the possession and illegally visiting the house of petitioner. As clearly disclosed from the instructions furnished, the concerned constable visited the house of petitioner only to execute the warrant on his son.

6. Learned Government Pleader also fairly submits that there is no question of harassing and humiliating the petitioner, but the police are only required to execute the warrant issued by the competent Court on the son of petitioner.

7. Merely because the police are visiting the house of petitioner, it cannot be said that they are harassing and humiliating the petitioner as the purpose of visit was to execute the warrant issued by the competent Court against Mohammed Ataur Rahman, son of petitioner residing with petitioner. Therefore, the action of the respondents cannot be faulted.

8. The Writ Petition is disposed of. However, it is made clear that police shall not harass the petitioner as long as he is not involved in any crime. Pending miscellaneous petitions shall stand closed.

23rd January, 2019
Rds

P.NAVEEN RAO,J