

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.3606 OF 2019

DATED :27.02.2019

Between :

Atchi Seshagiri S/o.Kondala Rao,
Aged about 36 yrs, Occu : Business,
R/o.Ramannapet, Nehru Nagar,
Nandigama town and Mandal,
Krishna District.

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Petitioner

And

The Station House Officer,
Suryapet police Station,
Suryapet, Suryapet District & 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 5.

2. This writ petition is filed alleging illegal interference with the life and liberty of petitioner in calling the petitioner to police station without any justification at the instance of 6th respondent though H.M.O.P.No.03 of 2019 is pending on the file of Senior Civil Judge at Nandigama, Krishna District.

3. According to learned Government Pleader, 6th respondent lodged complaint on 29.09.2018. As the contents of complaint relates to matrimonial dispute, in order to conduct preliminary investigation petitioner was called and in the process of conducting preliminary investigation, counseling was also conducted. It is now alleged that petitioner did not attend for counseling subsequently.

4. Learned counsel for petitioner points out that there is no procedure of conducting counseling. What is required by the police is only to conduct preliminary investigation. In terms of registration of crime reported in family dispute, and in the guise of preliminary investigation/enquiry, police cannot call the petitioner to police station and threaten him for settlement of issue with the 6th respondent.

5. Apparently, so far no notice is issued in response to the crime reported by 6th respondent. Therefore, police are directed not to harass the petitioner nor call the petitioner to police station unnecessarily, unless required in the process of investigation, after the notice is issued. Police may call upon the petitioner to respond to any notice that may be issued by them in the process of preliminary investigation/enquiry before registering the crime only.

6. With the above directions, the Writ Petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed.

27th February, 2019
Rds

P.NAVEEN RAO,J

