

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No. 18453 of 2019

ORDER :

This writ petition is filed for the following relief;

“....to issue an appropriate writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No.5 in harassing and threatening the petitioner to implicate him in Crime No.76 of 2019 for the offence under Sections 307, 452, 380, 147, 148, R/W.149 IPC and calling him to the Police Station frequently is illegal, arbitrary and violative of Article 21 of the Constitution of India and also violation of settled principles of law laid down by the Hon'ble Constitutional courts and consequently direct the respondents 2 to 5 not to call the petitioner to attend 5th respondent police station without following due procedure and process established by law and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Learned Counsel for the petitioner states that though petitioner's name is not included in Crime No.76 of 2019, the respondents police are calling the petitioner to the police station.

On the other hand learned Assistant Government Pleader for Home produced written instructions stating that initially, the name of the petitioner was not included in the said crime, but, subsequently, basing on the statement of the complainant, petitioner's name was included in the said crime as Accused No.3.

Learned Counsel for the petitioner states that in the referred complaint, some other person's name is shown as Accused No.3; and that only after filing of this writ petition, deliberately petitioner's name is shown as Accused No.3.

In the written instructions it is stated that the respondents never tried to arrest the petitioner in the said crime; that as part of investigation only the investigating officer trying to collect the evidence; and that the petitioner to misguide the investigating agency, filed the present writ petition with false and frivolous allegations.

In view of the above, recording the aforesaid written instructions produced by the learned Assistant Government Pleader, the writ petition is disposed of directing the respondent police to follow due process of law. If petitioner is aggrieved by registration of crime, wherein he was shown as Accused No.3, it is open for the petitioner to agitate his rights against registration of crime, in accordance with law or avail alternate remedy as may be available to him under law. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

17.09.2019

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