

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION No.22579 of 2019

ORDER:

This present Writ Petition is filed to declare the action of the 3rd respondent in calling the petitioner to the police station in relation to Crime No.492 of 2019, though his name does not find place in the array of accused, as being illegal, arbitrary, unjust and violative of Article 21 of the Constitution of India.

Learned Assistant Government Pleader for Home, on written instructions dated 16.10.2019, would submit that the 3rd respondent received a complaint on 26.06.2019 from one Sri K.V. Ramana against the petitioner and his son and others stating that they threatened him with dire consequences to see his end. It is stated that upon receipt of the said complaint, the respondent No.3 made preliminary enquiry. Thereafter, a case was registered in Crime No.492 of 2019 for offences under Sections 354, 506, 509 IPC against the petitioner/accused No.2 and others and investigation has been taken up. In the course of investigation, five witnesses have been examined and recorded their detailed statement. It is submitted that in the course of said complaint, Investigating Officer issued notice under Section 41A Cr.P.C. to the petitioner/accused No.2 dated 17.09.2019 which has been duly received by the petitioner herein. The petitioner instead of cooperating with the investigating agency filed the present Writ Petition stating that the respondent authorities are calling him to the police station, even though his name is not arrayed as accused in the said FIR.

Learned Assistant Government Pleader for Home would further submit that the petitioner instead of cooperating with the investigating agency to complete the investigation, he filed the present Writ Petition and the petitioner and his son are required for the purpose of investigation. Though in response to the notice issued under Section 41A Cr.P.C. the petitioner agreed to appear and cooperate with the investigation, he failed to do so, and has approached this Court based on false allegations against the official respondents.

Recording the said submission and inasmuch as the crime is pending investigation against the petitioner/accused No.2, no fault can be found with the action of respondent No.3 in calling the petitioner to the police station.

Accordingly, this Writ Petition is disposed of. No costs.

As a sequel thereto, Miscellaneous Applications, if any, pending in this Writ Petition shall stand closed.

T. VINOD KUMAR, J

Date: 24.10.2019
MRKR