

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.25295 of 2019

ORDER:

The present writ petition is filed to declare the action of the 2nd respondent/Sub-Inspector of Police, Cyber Crimes Police Station, Rachakonda, in interfering with the petitioner's personal life and liberty by summoning him to the police station without there being any case and cause, as illegal and arbitrary, with a consequential direction to the 2nd respondent not to summon the petitioner to police station without following due process of law.

2. Heard Sri Praveen Kumar Veerjala, learned counsel for the petitioner and the learned Assistant Government Pleader for Home appearing for the respondents 1 and 2.

3. The learned Assistant Government Pleader for Home, on written instructions dated 19.11.2019, a copy of which is placed on record of this Court, submits that one Sri P. Balakoti Reddy, who is 4th respondent in the present writ petition, gave a complaint to the 2nd respondent herein, wherein it is stated that on 10.07.2019 the 4th respondent saw an advertisement in What-App relating to sale of bank seized vehicles and contacted the mobile number given therein on 13.07.2019. The person, who responded to the said call, introduced himself as S. Karuna Kumar (the petitioner herein), and he is having bank seized vehicles for

sale and also shared some images of vehicles which are in his possession and offered the same for sale. Basing on the images shared by the said person, the 4th respondent agreed to purchase Maruthi Brezza Car, for which the petitioner quoted a price of Rs.7 lakhs and after due negotiations over phone, the final price was agreed at Rs.6.80 lakhs for sale of the said vehicle. Upon such agreement being arrived at, the 4th respondent transferred Rs.30,000/- towards advance on 27.07.2019 through Google pay account given by the petitioner. Again on 30.07.2019, the 4th respondent deposited Rs.6.50 lakhs into the account bearing No.3960101004713 maintained with Canara Bank, Old Alwal branch, which is in the name of the petitioner. Thereafter, the petitioner despite having received the agreed consideration did not deliver the car even after three months have passed, nor returned the amount. Thus, the 4th respondent made a complaint of cheating against the petitioner.

4. The learned Assistant Government Pleader for Home submits that upon receipt of the said complaint, an entry was made in the General Diary and enquiry was done. In the course of enquiry, since the proceeds relating to the transactions were deposited by the 4th respondent into the bank account of the petitioner, as mentioned herein above, the 2nd respondent addressed a letter to the Canara Bank authorities to freeze the account with the 3rd respondent bank

as required for investigation in Crime No.3733 of 2019 of Cyber Crimes Police Station, Rachakonda, since the petitioner has used this account for fraudulent transactions of money transfer from the victim account to his account. The learned Assistant Government Pleader further submits that after enquiry, a case was registered in Crime No.302 of 2019 for the offences punishable under Sections 417, 419, 420 of the Indian Penal Code, 1860 and Sections 66-C and 66-D of the Information Technology Act of Cyber Crimes Police Station on 14.11.2019, wherein the petitioner herein is arrayed as accused No.1.

5. By placing the above facts on record, the learned Assistant Government Pleader for Home submits that the allegations made by the petitioner in the present writ petition that the 2nd respondent authority is interfering in his personal life and liberty by summoning him to the police station is false and denied. He also submits that except investigating into the crime that is registered against the petitioner, the 2nd respondent authority never interfered in the personal life of the petitioner. He also submits that the petitioner herein, who is accused No.1 in Crime No.302 of 2019, after coming to know of the said case being registered against him for the offences he is charged with, is absconding and efforts are being made to apprehend him. Noticing such action being

contemplated by the 2nd respondent authority, the petitioner has filed the present writ petition for the relief sought for.

6. In order to appreciate the contentions urged on behalf of the petitioner, and the genuineness of the claim of the petitioner, it is necessary to take note of the conduct of the petitioner. This Court in order to test the bona fides of the petitioner by interim order dated 26.11.2019 agreed to the submission of the learned counsel for the petitioner that the petitioner would make a payment of Rs.3 lakhs to the 4th respondent towards part satisfaction of his claim of Rs.6 lakhs and thereafter, he would make further payment of Rs.3 lakhs once the bank account maintained with the 3rd respondent-bank, which is under freeze on account of the communication of the 2nd respondent, is permitted to be operated. Thus, the matter was directed to be listed on 03.12.2019.

7. On 03.12.2019 when the matter was taken up for hearing, the learned counsel for the petitioner submits that the petitioner is not in a position to make the part payment of Rs.3 lakhs as agreed earlier and submitted that this Court pass orders as it may deem fit in the circumstances of the case.

8. Having regard to the above submissions made on either side, the claim of the petitioner that the 2nd respondent

authority is interfering with personal life and liberty of the petitioner by summoning to police station without there being any case, is contradicted, as crime No.302 of 2019 being registered and investigated into. Further, in view of the submission on behalf of respondents that the petitioner on coming to know of the case registered against him, is absconding and has filed present writ petition, and sought for interim relief of defreezing of bank account, are all intended to escape from the reach of law.

9. In view of the above, this writ petition is without merit and is accordingly dismissed. However, there shall be no order as to costs.

10. As a sequel thereto, miscellaneous applications, if any, pending in this writ petition shall stand closed.

T. VINOD KUMAR, J

Date: 11.12.2019
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