

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

Writ Petition No.25836 of 2019

ORDER:

The present writ petition is filed to declare the action of the respondents 4 and 5 in calling the petitioner to the KPHB Colony Police Station and making him to sit in the police station from morning to evening since 05.11.2019 and harassing him physically and mentally, depriving his personal liberties, as being illegal, arbitrary, null and void and also violative of principles of natural justice.

Heard Sri K. Venumadhav, learned counsel for the petitioner and the learned Assistant Government Pleader for Home appearing for the official respondents 1 to 4.

The learned Assistant Government Pleader for Home, on the basis of written instructions dated 22.11.2019, submits that based on the complaint of one Kum. P. Raja Rajeshwari, on 13.11.2019 a case was registered in Crime No.807 of 2019 of KPHB Colony Police Station for the offences punishable under Sections 420 and 406 of the Indian Penal Code, 1860, wherein the petitioner is arrayed as accused No.1. By the said written instructions, it is stated that a notice under Section 41-A of Cr.P.C. was issued to the accused person on 18.11.2019. It is further stated that the allegation of the petitioner that respondents 4 and 5 are calling the petitioner

and making him to sit in the police station is false and incorrect.

The learned Assistant Government Pleader for Home further submits that the petitioner having received the notice under Section 41-A of Cr.P.C., without furnishing any information and without complying the conditions imposed, has approached this Court by filing the present writ petition on 21.11.2019 and seeks this Court to dismiss the writ petition.

Having regard to the submissions and perusing the material on record, it is seen that the petitioner has approached this Court on the ground that he is being called to the police station without there being any case registered against him. However, in view of the submission made by the learned Assistant Government Pleader for Home on the basis of written instructions, a copy of which is placed on the record of this Court, stating that a crime is registered against the petitioner and the petitioner being served with a notice under Section 41-A of Cr.P.C., this Court is of the view that the claim of the petitioner that he is being called to the police station without there being any case registered appears on the face of it is incorrect and false. Since a case registered against the petitioner is under investigation, this Court is of the view that no interference is called for.

Accordingly, the writ petition is dismissed. However, there shall be no order as to costs.

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

T. VINOD KUMAR, J

Date: 29.11.2019
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