

HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION NO.26812 OF 2019

ORDER:

The present Writ Petition is filed questioning the action of the 3rd respondent authority in calling the petitioner to the police station without any crime being registered against the petitioner, as being illegal, arbitrary and violative of principles of natural justice.

Heard learned Counsel for the petitioner and learned Assistant Government Pleader for Home.

Learned Assistant Government Pleader for Home, on written instructions dated 09.12.2019, submits that based on the complaint of one Syed Fasiulla Hussaini, a case is registered against the petitioner in Crime No.86 of 2019 under Sections 341, 447, 427, 506 read with 34 IPC of Municipally police station on 13.11.2019 wherein the petitioner is arrayed as accused No.1, though the FIR indicates the name of the accused as Mohammed Chand Pasha and others. It is submitted by the learned Assistant Government Pleader for Home that during the course of investigation, the investigating officer has called the petitioner to come to the police station to take notice under Section 41-A Cr.P.C, but the petitioner has not turned up before the investigating officer and has approached this Court.

Learned Assistant Government Pleader for Home further submits that the petitioner is involved in more than five cases in Municipally police station, and the respondent police authorities except doing investigation into the above case, never harassed the petitioner at any point of time. It is further stated that the respondent police only tried to serve notice under Section 41-A Cr.P.C. on the petitioner and the petitioner instead of cooperating with the investigation, has filed the present Writ Petition before this Court to bring pressure on the police officials and to divert the authority from investigating into the case.

Having regard to the above, since, it is stated that the authorities are only seeking to serve notice under Section 41-A Cr.P.C. on the petitioner, whereupon the petitioner can offer his explanation thereto, including as to whether the person named as accused in the FIR is the petitioner himself or somebody else, no further orders need be passed in this Writ Petition.

Subject to the above observation, the Writ Petition is closed. No order as to costs.

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

T. VINOD KUMAR, J

Date: 18.12.2019.

MRKR