

THE HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.17831 of 2014

ORDER:

Heard learned counsel for the petitioner as well as learned Government Pleader appearing for the respondents 1 to 3.

2. The prayer sought in the writ petition is as under:-

“...to issue writ order or direction especially one in the Nature of Writ of Mandamus declaring the action of the 2nd & 3rd respondents calling the petitioner to the police station regularly and asking him to sit from morning to evening and pressurizing him to withdraw the complaint filed against 4th & 5th respondents is illegal, arbitrary and violative of Article 21 of the Constitution of India and consequently direct the 2nd & 3rd respondents not to call the petitioner to police station and not to harass him and pass such other order or orders as this Hon’ble Court deems fit and proper in the interest of justice.”

3. The 3rd respondent filed a counter-affidavit denying the averments made in the affidavit filed in support of the writ petition and contended *inter alia* that the allegation of the petitioner that though a case was registered on 24.05.2014 against the unofficial respondents, no arrests were made and on the other hand, the 2nd respondent as well as the 3rd respondent are regularly calling the petitioner to the police station and pressuring him to withdraw the cases, otherwise consequences will be serious, is absolutely false, baseless and denied. Further, the allegation of the petitioner that on 17.06.2014 the respondents 2 and 3 called him to the Police Station and asked him to sit from morning to evening and several times pressurized him to withdraw the complaint by settling the matter with the unofficial respondents is also utterly false, baseless and denied.

The further allegation that the respondent police are doing so at the behest of the respondents 4 and 5, who are politically influenced and having money and muscle power, is absolutely false. The allegation of taking away the paddy crop forcibly from the house of the petitioner is also specifically denied. The 2nd respondent or the 3rd respondent never asked the petitioner to come to the police station and asked him to withdraw the cases and also settle the matter with the unofficial respondents, who are accused in the F.I.R., is also specifically denied.

4. Though a counter-affidavit is filed with specific averments, no reply is filed rebutting the facts and contentions raised in the counter-affidavit. Therefore, the facts mentioned in the counter-affidavit goes un-rebutted and binding on the petitioner.

5. In that view of the matter, this Court is of the opinion that there are no merits in the writ petition and the same is liable to be dismissed.

6. Accordingly, the writ petition is dismissed. No order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand dismissed.

P. KESHA VA RAO, J

6th December 2019

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