

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.3202 of 2020

ORDER:

The present writ petition is filed to declare the action of the 4th respondent in calling the petitioners to the 3rd respondent police station without issuing any notice under Section 41-A of the Code of Criminal Procedure, 1973, and wrongfully confining the petitioners for hours together in the police station, as illegal and arbitrary.

2. Heard the learned counsel for the petitioners and the learned Assistant Government Pleader for Home, appearing for respondents 1 to 3.

3. Learned Assistant Government Pleader for Home, on written instructions, dated 14.02.2020, a copy of which is placed on record of this Court, submits that, one Kandenavalli Ashok lodged a complaint before the 3rd respondent, on 06.02.2020, at 07.00 hours, wherein it is alleged that on 28.01.2013, he was adopted by his younger father, namely, K.Narsireddy, and when his younger father was working in Osmania University, purchased a plot No.98 in Survey No.54, admeasuring 252 square yards, Adarsh Nagar, Chilkanagar, Uppal, and constructed shutters in the said plot bearing H.No.2-20/6/54/A, but came to know that some unknown persons, claiming them to be the owners, are collecting rents in respect of the said property and on enquiry, he came to know their names as K.Vishwanath and K.Satyanarayana and when he went to them and asked about their illegally collecting the rents, the above two people abused and threatened him with dire consequences. Based on the said complaint made to the 3rd respondent, a GD entry was made and during

the course of enquiry, the 3rd respondent called the petitioners to the police station, but the petitioners did not give proper response. Since, the said complaint is a non-cognizable one, the Station House Officer filed a requisition before the learned III Metropolitan Magistrate, L.B.Nagar, on 06.02.2020, with a request to accord permission to register a case under Section 506 of the Indian Penal Code, 1860, and the orders thereon are awaited. By the said written instructions, while denying the allegations made by the petitioners that, on 08.02.2020, the 4th respondent directed the petitioners to present in the police station along with documents, as false, it is stated that the 4th respondent never made the petitioners to sit in the police station, nor abused or threatened to register any case against them in respect of the complaint made by Kandenavalli Ashok.

4. Having regard to the said submissions made and since the permission from the learned III Metropolitan Magistrate, L.B.Nagar, for registering a case, is awaited, no further orders need be passed in the present writ petition.

5. The writ petition is accordingly closed. Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

JUSTICE T.VINOD KUMAR

Date:17.02.2020

GJ