

**THE HON'BLE THE CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE A. ABHISHEK REDDY**

WRIT PETITION No. 4731 OF 2020

ORDER: (Per the Hon'ble the Chief Justice Raghvendra Singh Chauhan)

The petitioner has challenged the order dated 10.02.2020 passed by the Telangana State Human Rights Commission ('the Commission', for short), whereby the learned Commission has issued a notice to the petitioner for his personal appearance before the Commission on 11.03.2020 at about 11:00 a.m.

Briefly, the facts of the case are that Ms. Deepika Priya Raavi, the respondent No.2, had filed a petition before the learned Commission, wherein she had claimed that a case was registered against her father for offences under Sections 406 and 420 IPC on the file of Police Station, K.K. Nagar, Chennai. Although she has no concern with the said case, although she is residing in Hyderabad along with her husband, on 05.02.2020 at about 7:30 a.m., police force of K.K. Nagar Police Station, headed by the petitioner, trespassed into her house, and knocked on their house. While she was inside the bathroom, the police even knocked at the door of the bathroom. Once she came out, she was forced to execute a document acknowledging that the alleged amount was

taken by her father. Moreover, the petitioner forced her, and her husband to get into the police van in order to take them to Chennai. But, instead, they were taken to the Gachibowli Police Station. While at the Police Station, Mr. Srinivas, Station House Officer, subjected her to various questions, but was unable to get any satisfactory answer from her. They left her alone. Therefore, she claims that the behaviour and conduct of the police has traumatized her, especially, the behaviour and conduct of the petitioner. Hence, she has prayed to the learned Commission to take action against the petitioner, and further requested that the Station House Officer, Gachibowli Police Station should be directed to give police protection to her from the K.K. Nagar Police Station, Chennai.

While going through the complaint filed by the respondent No.2, the learned Commission was of the opinion that Crime No. 762 of 2019 registered at K.K. Nagar Police Station, Chennai does not disclose any allegation against the respondent No. 2; in fact, all the allegations are only against her father. The learned Commission has also noticed that the petitioner has not followed the procedure established by law. Therefore, his actions are in violation of human rights as well as in

violation of the criminal procedure. Hence, by order dated 10.02.2020, the Commission has issued a notice to the petitioner. Hence, the petitioner before this Court.

Mr. K. Ravinder Reddy, the learned counsel for the petitioner, has vehemently contended that before issuing a notice to the petitioner, an opportunity of hearing should have been given to the petitioner in order to place his version. However, the notice has been issued by the learned Commission without permitting the petitioner to explain his conduct.

Secondly, the Commission has already concluded, without cogent evidence, that the petitioner has violated the human rights of the complainant, respondent No. 2, and has violated the Criminal Procedure Code. Therefore, the Commission has already jumped to a conclusion, and pre-judged the issue. Hence, the order dated 10.02.2020 deserves to be set aside by this Court.

Heard the learned counsel for the parties, perused the impugned order, and the notice dated 10.02.2020.

The position being taken by the learned counsel for the petitioner is highly misplaced. For, it is precisely for giving an opportunity of hearing to the petitioner that the notice has been issued to him by the learned Commission. Moreover, any observations made by the

learned Commission are only *prima facie* in nature. Such observations cannot be treated as a final judicial finding. Therefore, the learned counsel is unjustified in claiming that the learned Commission has pre-judged the issue.

Moreover, in catena of cases, the Hon'ble Supreme Court has opined that mere issuance of a show-cause notice does not violate a civil right, or fundamental right of a person. For, a show-cause notice, in fact, gives an opportunity to the person to establish the case on his part. Therefore, the impugned order dated 10.02.2020 does not violate either the civil right, or the fundamental right of the petitioner. Hence, the petitioner would not even be justified in invoking the writ jurisdiction of this Court under Article 226 of the Constitution of India.

For the reasons stated above, this Court does not find any merit in the present writ petition; it is, hereby, dismissed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

(RAGHVENDRA SINGH CHAUHAN, CJ)

(A. ABHISHEK REDDY, J)

06th March, 2020
Tsr

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