

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

TUESDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION NO: 10807 OF 2020

Between:

Khasim md, S/o. Syed Jhon, Aged about 50 yrs, Occu. Business, R/o. H.No.5-3-433/2 Madina Colony, BTS, Nalgonda town, Nalgonda District, Telangana State.
...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary Home Department, Secretariat Buildings, Hyderabad.
2. The Superintendent of Police, Nalgonda District, Nalgonda.
3. The Station House Officer, Police Station, Nalgonda I Town, Nalgonda.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to direction by declaring the action of the respondent authorities particularly the action of the 3rd respondent authority in frequently calling the petitioner to the Police Station, Nalgonda I town without any case against him and without any illegality on his part as illegal, arbitrary, unlawful and also against the Municipal laws and principles of natural justice and consequently direct the respondent authorities particularly the 3rd respondent authority not to call and harass the petitioner to the Police Station, Nalgonda I town without any case against him and without illegality on his part

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondent authorities particularly the 3rd respondent authority not to call and harass the petitioner to the Police Station Nalgonda I town without any case against him and without illegality on his part

Counsel for the Petitioner: SRI M. SALEEM

Counsel for Respondents: AGP FOR HOME

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

Writ Petition No.10807 of 2020

ORDER:

The present writ petition is filed under Article 226 of the Constitution of India for issue of a Writ of Mandamus to declare the action of 3rd respondent-Station House Officer, Nalgonda I town Police Station, in frequently calling the petitioner to the Police Station, without any case against him and without any illegality on his part, as being illegal, arbitrary, unlawful and principles of natural justice, with a consequential direction to the respondent authorities, particularly 3rd respondent police authority not to call and harass the petitioner to the Nalgonda I town Police Station, without any case being registered against him.

2. The above case is taken up for hearing today i.e., 21.07.2020, through Video Conferencing.

3. Heard Sri M. Saleem, learned counsel for the petitioner and learned Assistant Government Pleader for Home appearing for the respondents 1 to 3.

4. The learned counsel for the petitioner submits that the petitioner herein has borrowed monies from various people and invested such monies borrowed in his business activities, which the petitioner intends to repay the same by selling his property in Hyderabad. However, due to the pandemic covid-19, the petitioner is unable to proceed with the sale of said property in Hyderabad, as real estate has taken severe beating on account of lockdown and the general fear prevailing with the people. Learned counsel in all fairness would submit that the petitioner does not dispute his liability to repay the amounts borrowed, but could not do so as

desired because of the unexpected situation. However, he would submit that despite no case is being registered against the petitioner, the respondent police authorities are calling the petitioner to the police station and making him sit in the police station in the morning till the case being registered. Hence, approached this court through present writ petition.

5. The learned Assistant Government Pleader for Home has forwarded to this Court by e-mail written instructions dated 21.07.2020 under the signature of 3rd respondent authority. By the written instructions, it is stated that on 16.07.2020 at 08:00 hours one Jerripothula Anjamma gave a complaint stating that she is running tyre puncture shop in front of DIET and she is physically challenged person, having two children J. Upender and J. Praveen Kumar and both her sons completed graduation and are in search of jobs. While so, in the month of September, 2019 the petitioner herein came to her shop for his bike tyre puncture purpose, at that time, she disclosed about her sons being unemployed. The petitioner herein using deceitful words, stating that he is having lands in the limits of power plant of Damaracherla, and the Government has taken his lands, will provide jobs on the compensative grounds, so he will provide said jobs to her both sons and demanded an amount of Rs.10,00,000/- from the complainant. It is claimed in the petition, that the complainant, believing the words of the petitioner, has given an amount of of Rs.8,24,000/- in three instalments to the petitioner in the presence of mediators Krishnaiah and Achaiah. The petitioner after receiving the money, did not provide the jobs to her sons and the complainant noticing the cheating committed by the petitioner, met the petitioner on 17.03.2020 and demanded to

repay the above amount. It is stated that the petitioner issued two cheques, one bearing No.637224 of SBI, for an amount of Rs.3,50,000/- issued in the name of the complainant and another cheque issued for the equal amount of Rs.3,50,000/- in the name of one Praveen i.e., the second son of the complainant, and the said cheques on presentation with the bank were returned due to insufficient balance. On 25.06.2020 by receiving the acknowledgement from the bank authorities, she made a phone call to the petitioner and asking for the amount, whereupon the petitioner refused to give the amount and even said the complainant can go and tell to anybody and switched off his mobile phone and on the same day, she approached the respondent police of Nalgonda I town police station, whereupon, the petitioner agreed to return the said amount before the date of 29.06.2020, but the petitioner herein has failed to repay the amount till date. The complainant also stated in her petition that the petitioner has cheated similarly one Mohd. Moiz Baba and Faizal-ur-Rahaman in the same manner and requested to take legal action against the persons named in the complaint as per law.

6. It is stated that on receipt of the above complaint, GD entry was made and enquiry was done and after enquiry, a case was registered in Crime No.138 of 2020 for the offence punishable under Section 420 IPC of Nalgonda I Town Police Station against the petitioner herein. It is stated that thus, the claim of the petitioner that no case is registered against the petitioner and the respondent police authorities are calling the petitioner to the police station without any case is registered against him is a false statement and the petitioner has come up with the present writ

petition to bring pressure on the police officials and to divert them from investigating into the case.

7. Having regard to the submissions made as above and noting that a case, vide Cr.No. 138 of 2020 is registered against the petitioner on the file of Nalgonda I Town Police Station, it is needless to mention that the 3rd respondent authority shall conduct investigation into the above crime registered strictly in accordance with law.

8. Subject to the above observation, the writ petition is disposed of. No order as to costs.

9. Miscellaneous petitions, if any, pending in this writ petition, shall stand closed in the light of this final order.

//TRUE COPY//

SD/-M.MANJULA
ASSISTANT REGISTRAR

SECTION OFFICER

- To,
1. The Station House Officer, Police Station, Nalgonda I Town, Nalgonda.
 2. One CC to Sri M Saleem Advocate [OPUC]
 3. Two CCs to GP for Home, High Court for the State of Telangana (OUT)
 4. Two CD Copies

MBC



HIGH COURT
DATED: 21/07/2020

ORDER
WP.No.10807 of 2020



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

ATN
5/8/2020 (6)