

THE HONOURABLE SRI JUSTICE P. KESHA VA RAO

WRIT PETITION No.36774 of 2014

ORDER:

Heard learned counsel for the petitioner as well as learned Government Pleader appearing for respondent Nos.1 to 6.

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

“...to issue an appropriate writ, order or direction, more particularly one in the nature of a writ of Mandamus, directing the Respondent Nos.1 to 5 to order enquiry against the Respondents Nos.6 and 7 for violating the fundamental rights of the Petitioner under Art. 14, 15, 19 and 21 of the Constitution of India and to pass such other and further orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

3. Learned Government Pleader appearing for respondent Nos.1 to 4 placed on record the written instructions issued by the Inspector of Police, Medchal Police Station, Cyberabad Commissionerate as well as counter-affidavit of the 6th respondent.

4. From a perusal of the said written instructions, it is revealed that the father of the petitioner earlier filed Writ of Habeas Corpus in W.P.No.7480 of 2014 in this Court directing the respondents therein to produce the detainee viz., Raj Kumar Yadav before this Court and set him at liberty after declaring his illegal detention since 06.03.2014 as arbitrary and contrary to law. A Division Bench of this Court was pleased to close the above said writ petition, by order, dated 20.03.2014. It is mentioned in the written instructions that as per the records, the facts of the case are that one Mr.P.Satish Kumar S/o.P.Yella Swamy, approached the police of Medchal Police Station and lodged a complaint on 20.05.2014 stating that he prepared a

project as sought for by the petitioner herein for R.K.Diary and Godowns at Kalakal village of Medak District. For that the petitioner paid Rs.30 lakhs in several installments to the complainant. But, the complainant had worked to the tune of Rs.90 lakhs and requested to pay the balance amount. However, the petitioner on one pretext or the other extended the payment and on 01.03.2014 the petitioner and one Mr.S.Raj Joseph along with others dragged the complainant into the Scorpio car near Dabilpur Railway gate in the presence of his partner Mr.Arif and one Mr.Imran. The petitioner herein and others have taken the complainant to an isolated place and beat him with hands, threatened him to kill in case he discloses anything to others. On 20.05.2014 they also threatened the father of the petitioner that they would kill the complainant if he comes to his site. Hence, he requested the police to take necessary action as per law. Basing on the said complaint, a case in Crime No.199 of 2014 for the offences under Sections 363, 323 and 506 read with 34 IPC was registered on the file of the Medchal Police Station, Cyberabad Commissionerate, on 20.05.2014 and investigation was taken up. In the said crime, the petitioner herein was shown as accused No.1 in the F.I.R. During the course of investigation, the Investigating Officer examined the complainant and other witnesses and recorded their detailed statements. In fact, as per the orders of the learned XV Metropolitan Magistrate, Cyberabad at Medchal, Ranga Reddy District, the said Scorpio vehicle bearing No.AP 29 S 2626 was released in favour of one Ramavath Krishna and handed over the same in good condition.

While the investigation is under progress, Mr.R.Krishna (accused No.6) surrendered himself before the learned XV Metropolitan Magistrate at Medchal on 02.09.2014 and later he was released on bail. On 17.07.2014, Mr.Suman @ Suman Reddy (accused No.3) also surrendered himself before the learned XV Metropolitan Magistrate at Medchal and he was also released on bail. As per the evidence so far done by the investigating agency, a prima facie case was made out against the accused including the petitioner herein for the commission of the offences under Sections 363, 323 and 506 read with 34 IPC. While the matter stood thus, the petitioner herein filed CrI.P.No.9414 of 2014 in this Court seeking to quash the criminal proceedings against him in Crime No.199 of 2014. This Court after perusing the entire record disposed of the said criminal petition, vide orders, dated 13.11.2014, permitting the police to proceed with the investigation of the case, however, directed not to arrest the petitioner during the pendency of the investigation. It is also mentioned in the written instructions that a reliable information received by the Investigating Agency that the petitioner herein concealed the weapons in his house. After obtaining the search warrant from the learned XI Additional Chief Metropolitan Magistrate, Secunderabad, the respondent police raided the house of the petitioner and submitted a detailed report before the Court. During the search, no weapons are found. It is further mentioned that the present writ petition is filed to escape from the criminal liability and also diverting the attention of the Investigating Officer in not conducting the investigation in a proper

and fair manner. The 6th respondent came to know that two cases in Crime Nos.280 of 2014 and 181 of 2014 were registered against the petitioner on the file of the Chatrinaka Police Station for the various offences under the provisions of the Indian Penal Code as well as Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The allegation of the petitioner that he is apprehending danger in the hands of the respondent police that they may arrest him is false and denied. The allegation of the petitioner that even though the dispute between himself and Mr.Satish is purely civil in nature, the respondent police continue to threaten the petitioner to settle the issue, otherwise they would take him to task even open a rowdy sheet and kill him in a fake encounter, when they get a chance are also specifically denied, referring the same as false and baseless. Even though, the petitioner made allegations against Mr.P.Satish and his henchmen Imran, Arif Qureshi and Srinivas, they were not impleaded as party respondents in the writ petition. In fact, there is no life threat to the petitioner in the hands of the respondent police. Except the above state of affairs, the 6th respondent has nothing to do with the said allegations mentioned in the affidavit.

5. In 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 closed.

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

Miscellaneous petitions pending, if any, shall stand closed.

P. KESHAVA RAO, J

9th January 2020

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