

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

THURSDAY, THE THIRTEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION NO: 12121 OF 2020

Between:

1. Pasumarthi Laxman Rao, S/o. Malikarjuna, aged about 52 years, occ. Agriculture r/o H.No. 10-4-78, Mamillagudem Khammam.
2. Pasumarthi Srinivasa Rao, s/o Mallikarjuna Rao, aged about 47 years, occ. Agriculture Both are r/o H.No. 10-4-78, Mamillagudem Khammam.

...PETITIONERS

AND

1. The State of Telangana, rep, by its Principal Secretary, Home Department, Secretariat, Hyderabad.
2. The Commissioner of Police, Khammam.
3. The Station House Officer. Khanapuram Haveli Police Station, Khammam District.
4. Kilari Kiran Kumar, s/o Seetharamulu, aged 44 years, occ. Business, r/o Ammapalem Konijerla Mandal, Khammam District.
5. Ajmeera Shivalal, s/o. Setya Naik, aged about 34 years, occ. Police Constable No. 2606 Khanapuram Haveli P.S. Khammam District.

...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 issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the action of the respondent No.3 herein in calling the petitioners to the police station at the behest of 4th respondent in relation to FIR No. 237/2020 wherein the names of the petitioners does not find place and thereby causing interference in the civil disputes, as being illegal, arbitrary, unjust and violative of Articles 21 of the Constitution of India and consequently direct the 3rd respondent not to take any coercive steps without following the due process of Law.

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 No.3 herein not to call the petitioners to the police station or in any manner interfere with their personal life and liberty, pending disposal of the main Writ Petition, in the interest of justice.

Counsel for the Petitioner: SRI KARUNAKAR REDDY

Counsel for the Respondent Nos.1 to 3: AGP FOR HOME

Counsel for the Respondent Nos.4 & 5:-----

The Court made the following: ORDER

HON'BLE SRI JUSTICE T. VINOD KUMAR
WRIT PETITION NO.12121 OF 2020

ORDER:

The present writ petition is filed under Article 226 of the Constitution of India for issue of a writ of mandamus declaring the action of the respondent No.3 in calling the petitioners to the police station at the behest of 4th respondent in relation to FIR No.237 of 2020 wherein the names of the petitioners does not find place, thereby causing interference in the civil disputes, as being illegal, arbitrary, unjust and violative of Article 21 of the Constitution of India with a consequential direction to the 3rd respondent not to take any coercive steps, without following due process of law.

2. The present writ petition is taken up for hearing today, i.e., 13.08.2020, through Video Conferencing.

3. Heard learned counsel for the petitioner and learned Assistant Government Pleader for Home.

4. Learned Counsel for the petitioner reiterates the writ averments.

5. Learned Assistant Government Pleader for Home has forwarded to this Court by e-mail, written instructions dated 13.08.2020 under the signature of Inspector of Police, Khanapuram Haveli police station. By the aforesaid written instructions, it is stated that on 18.07.2020 at about 17.30 hours, the Station House Officer, Khanapuram Haveli police station has received information that some persons are quarreling in a land situated opposite to Sriram Hills, Khammam regarding compound wall of the land. Upon receipt of the above said information, the 3rd respondent authority immediately deputed one police constable viz., the 5th respondent herein with P.C. No.2606 of police station

Khanapuram Haveli, to stop the quarrel to prevent law and order problem. At about 18.15 hours, the said police constable, the 5th respondent herein, informed the 3rd respondent authority through phone that as per the instructions, he arrived at the land situated opposite to Sriram Hills, Khammam and found some unknown persons are dismantling the compound wall and when he tried to stop them, with the encouragement of the two persons by themselves and their associates pushed him, due to which he fall down on the ground and requested to send some more force to control them. By the aforesaid written instructions, it is stated that thereafter at about 20.00 hours, the 5th respondent who has been deputed by the 3rd respondent authority to attend to the call came back to the police station and lodged a complaint stating that some unknown persons deterred him in discharge of his duties by using criminal force with the active encouragement of two persons in that crowd, who by themselves along with their associates pushed him, due to which he fell down on the ground, when he tried to stop dismantling of compound wall constructed on the land situated in Sy. No.55. It is stated that upon receipt of the complaint from the 5th respondent authority, a case was registered vide Crime No.237 of 2020 under Section 353 IPC.

6. By the aforesaid instructions, it is stated that in the complaint lodged by the 5th respondent, the persons who sought to obstruct the 5th respondent from discharging his official duties is mentioned as unknown persons, the 3rd respondent authority after registering the above said case is taking steps to identify the accused persons who obstructed the 5th respondent authority from discharging his duty. It is also stated that the 3rd respondent authority is investigating into the above crime registered for

collection of evidence to identify the accused persons and, since the accused persons were not yet identified, the claim of the petitioner that the 3rd respondent authority is calling the petitioner to police station in connection with the above crime registered is baseless and without any substance. It is also further stated that the petitioner Nos.1 and 2 herein are involved in multiple crimes registered against them in Khammam II Town and I Town police stations as well as the 3rd respondent police station and are habitual cheaters and litigators, have come up with the present Writ Petition only to prevent the 3rd respondent authority from investigating into the crime No.237 of 2020.

7. Considering the submissions made as above, and the 3rd respondent authority having registered the case vide Crime No.237 of 2020 against the unknown person and is being investigated into for collecting evidence to identify the accused person involved in the above crime and also the categorical statement of the 3rd respondent authority that the said authority has not called the petitioners as of today, in connection with the above crime, as the authorities yet to identify the accused persons involved in the above crime, placing on record the above said submission made on behalf of respondent authorities, no further orders need be passed in the matter.

8. Subject to the above observation, the Writ Petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

//TRUE COPY//

SD/-B.SATYAVATHI
ASSISTANT REGISTRAR


SECTION OFFICER

To,

1. The Principal Secretary, Home Department, State of Telangana, Secretariat, Hyderabad.
2. The Commissioner of Police, Khammam.

3. The Station House Officer, Khanapuram Haveli Police Station, Khammam District.
4. One CC to Sri Karunakar Reddy, Advocate [OPUC]
5. Two CCs to GP for Home, High Court for the State of Telangana at Hyderabad. [OUT]
6. Two CD Copies

sm

HIGH COURT

DATED:13/08/2020



ORDER

WP.No.12121 of 2020

**DISPOSING OF THE WP
WITHOUT COSTS**

8
19/8/20
JH