

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

**MONDAY, THE SEVENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY**

PRESENT

THE HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO: 18069 OF 2020

Between:

Paridham Raju, S/o Ramulu. Aged about 33 years, Occ. Business R/o H.No. 2-48,
Toopranpet village and Post Choutuppal Mandal, Yadadri Bhongir District.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary Home Department, Secretariat buildings Hyderabad.
2. The Commissioner of Police, Rachakonda Commissionerate, Yadadri-Bhongir district. (Erstwhile, Nalgonda district)
3. The Station House Officer, Choutuppal P.S. Choutuppal Rachakonda, Yadadri-Bhongir district (Erstwhile Nalgonda 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 a writ order or direction more particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the respondent No.3 in harassing the petitioner by calling him to the Police Station with a view to detain him in the Police Station from Morning to Evening at the behest of the oral complaints made by third parties without registration of any crime against the petitioner is illegal, arbitrary and violative of Article 21 of the Constitution of India and consequently direct the respondents not to harass the petitioner by calling him to the police station frequently.

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 respondents not to harass the petitioner by calling him to the Police Station of the 3rd respondent without registration of any crime against the petitioner pending disposal of the main Writ petition.

Counsel for the Petitioner: SRI. P. BOSU BABU

Counsel for the Respondents: AGP FOR HOME

The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.18069 of 2020

ORDER:

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

2. This writ petition is filed alleging that police are interfering in inter se civil disputes between petitioner and private persons and is being called to the police station by the 3rd respondent with a view to detain him in the police station from morning to evening, based on an oral complaint made by third parties, without registration of any crime, the same is illegal and unconstitutional.

3. When the matter is taken up, learned Assistant Government Pleader, informs the Court that against petitioner, three crimes are registered. First of the crime was registered on 05.03.2020 under Section 420 of Indian Penal Code (IPC) as Cr.No.96 of 2020. In fact petitioner filed CrI.P.No.1917 of 2020 to quash the said crime and the same is pending consideration of this Court.

4. The second crime was registered on 19.09.2020 as Cr.No.362 of 2020 under Section 120-B, 420, 468 and 471 r/w. Section 34 IPC and again Cr.No.363 of 2020 was registered under the very same provisions of law on the complaint lodged by different person. In Cr.No.363 of 2020, Section 41-A Cr.P.C., notice was issued on 20.09.2020. According to learned Assistant Government Pleader, the matter stands at that stage.

5. Since three crimes are registered, police are bound to investigate into the crime and in the process of investigation into the crime, police can call upon the petitioner to attend to the police

station. In fact as fairly submitted by learned Assistant Government Pleader that in Cr.No.363 of 2020, already notice was issued under Section 41-A Cr.P.C., therefore, it can not be said that police are illegally calling the petitioner to the police station, even though no crime is registered against him.

6. Having regard to the above, the Writ Petition is disposed of granting liberty to the petitioner to work out his remedies as available in law, aggrieved by registration of crimes. Police are directed to investigate into the crimes by following due procedure of law and not to involve in inter se civil disputes. Miscellaneous petitions, if any pending, shall stand closed.

**SD/-V.SUDHA
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary Home Department, State of Telangana, Secretariat buildings Hyderabad.
2. The Commissioner of Police, Rachakonda Commissionerate, Yadadri-Bhongir district. (Erstwhile, Nalgonda dsitric)
3. The Station House Officer, Choutuppal P.S. Choutuppal Rachakonda, Yadadri-Bhongir district (Erstwhile Nalgonda district)
4. One CC to Sri. Podili Bosu Babu, Advocate [OPUC]
5. Two CCs to GP for Home, High Court for the State of Telangana. [OUT]
6. Two CD Copies.

PM



HIGH COURT

DATED:07/12/2020

ORDER

WP.No.18069 of 2020



Disposing of the WP
Without costs.

⑧ VW
15/12/20