

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

**MONDAY, THE TWENTY SEVENTH DAY OF MARCH
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 8351 OF 2023

Between:

Mohammed Aurangzeb, S/o. Mohammed Mukhtar Hussain, Aged about. 25 years, Occ. Travel Agent, Office at R.B international Travel Agency, 4th floor, Khizrabad, New Friends Colony, New Delhi, Temporarily came to Hyderabad.

...PETITIONER/ACCUSED Nos.1

AND

1. The State of Telangana, Rep. by its Principal Secretary, Home Department, Secretariat, Hyderabad.
2. The Station House Officer, Nizamabad IV Town Police Station, Nizamabad.
3. Chikkela Swamy, S/o. Sailu, Aged about: 37 years, Occ: Business, R/o. Vinayaka Nagar, Nizamabad.

...RESPONDENTS/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 pass a Writ, Direction, Order or Orders more particularly one in the nature Writ of Mandamus declaring the action of the Respondent No. 2 in subjecting the petitioner herein to harassment and calling him to the Police station and Forcing him to pay the amounts to Respondent No.3 in violation of Principles of Natural Justice, violative of Article 14, 15, 16, 21 of Constitution of India and consequently direct the Respondent No. 2 to not to harass and call the Petitioner to the Police station without following due procedure, in the interest of justice:

IA NO: 1 OF 2023

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. 2 to not to harass and call the Petitioner to the Police station without following due procedure, in the interest of justice.

Counsel for the Petitioner: SRI M.A.MUJEEB

Counsel for the Respondent Nos.1 & 2: AGP FOR HOME

Counsel for the Respondent No.3: ---

The Court made the following: ORDER

HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.8351 OF 2023

ORDER : (ORAL)

The writ petition is filed seeking to declare action of respondent No.2 – Station House Officer, Nizamabad IV Town Police Station in calling the petitioner to the Police Station and forcing him to pay the amounts to respondent No.3, as illegal and arbitrary.

2. Heard Sri M.A.Muzeeb, learned counsel for the petitioner and learned Assistant Government Pleader for Home and perused the material available on record.

3. Learned counsel for the petitioner submitted that petitioner is a travel agent and has not committed any offence.

4. In the written instructions dated 27.03.2023 received by the learned Assistant Government Pleader for Home, it is stated that on complaint lodged by respondent No.3, F.I.R. No.71 of 2023 was registered with Nizamabad IV Town Police Station on 03.03.2023 for the offences punishable under Sections 420 of the Indian Penal Code, 1860 (for short the 'IPC') and Section 10 and 24 of the Emigration Act, 1983. During the course of

investigation, notice under Section 41-A of the Cr.P.C. was served on the petitioner. A copy of the written instructions dated 27.03.2023 along with F.I.R. is served on the learned counsel for the petitioner.

5. As it is stated that notice under Section 41-A of the Cr.P.C. was served on the petitioner, the writ petition is disposed of as no further orders are required to be passed. There shall be no order as to costs.

As a sequel thereto, miscellaneous applications, if any, pending in this writ petition shall stand closed.

//TRUE COPY//

SD/-K.AMMAJI
ASSISTANT REGISTRAR
SECTION OFFICER

To

1. The Principal Secretary, Home Department, Secretariat, Hyderabad, State of Telangana.
2. The Station House Officer, Nizamabad IV Town Police Station, Nizamabad.
3. One CC to SRI M.A.MUJEEB, Advocate [OPUC]
4. Two CCs to GP FOR HOME, High Court for the State of Telangana, at Hyderabad. [OUT]
5. Two CD Copies

PSK

BSR

CC TODAY

HIGH COURT

DATED: 27/03/2023

ORDER

WP.No.8351 of 2023



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS.

8
[Signature]
29/03/2023