

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

MONDAY, THE FIFTH DAY OF JUNE
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 12930 OF 2023

Between:

M.Srinivas, S/o. Narsaiah, Aged about 50 Years, Occ. Employee, R/o.
H.No.9-116, Laxmi Nagar Colony, Boduppal, Hyderabad, Presently residing at
H.No.F.No.B-303, Sector 42 Nerul(W), Navi Mumbai, Maharashtra State.

...PETITIONER

AND

1. The State of Telangana, Rep by its Principal Secretary,(Home Department),
Secretariat buildings, Hyderabad.
2. The Station House Officer, Nallakunta, Hyderabad 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, thereby the Respondent No.2 is threatening the petitioner under guise of the enquiry without there being any crime against the petitioner as illegal, arbitrary and against the principles of natural justice and consequently direct the Respondent No.2 not to threatening the petitioner under the guise of enquiry without there being any crime against the petitioner.

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 not to threaten the petitioner under guise of the enquiry without there being any crime against the petitioner, pending the above writ petition.

Counsel for the Petitioner: SRI RAJESHWAR PANUGANTI

Counsel for the Respondents: AGP FOR HOME

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE C.V. BHASKAR REDDY

Writ Petition No.12930 of 2023

ORDER:

This Writ Petition is filed by the petitioner under Article 226 of the Constitution of India seeking the following relief, viz.,

"... to issue a writ order or direction more particularly one in the nature of WRIT OF MANDAMUS by declaring the action of Respondent No.2 in threatening the petitioner under guise of the enquiry without there being any crime against the petitioner, as illegal, arbitrary and against the principles of natural justice; and consequently, to direct Respondent No.2 not to threaten the petitioner under the guise of enquiry without there being any crime against the petitioner ..."

2. Heard Mr. Rajeshwar Panuganti, learned counsel for the petitioner and the learned Assistant Government Pleader for Home, for the respondents.

3. Learned counsel for the petitioner contended that the 2nd respondent is repeatedly calling the petitioner to the Police Station under the guise of enquiry though there being no crime registered against the petitioner, and therefore prays this Court to restrain the 2nd respondent

not to call the petitioner under the guise of conducting enquiry.

4. On the other hand, the learned Assistant Government Pleader for Home, appearing for the respondents, contended that one Smt. Sunitha (a family member of the petitioner) has lodged a complaint against petitioner before the 2nd respondent; there are disputes between petitioner and the said Smt. Sunitha; in those circumstances, to make a *prima facie* enquiry, the 2nd respondent has summoned the petitioner to the Police Station for investigation; the investigation conducted by the 2nd respondent revealed that disputes between petitioner and the said Smt. Sunitha are purely civil in nature, and subsequently the complaint filed by the said Smt. Sunitha had also been closed as investigation was completed; thereafter, the petitioner was not called to the Police Station for any other purpose; if the presence of petitioner is still required, the respondents would follow the procedure laid down in Criminal Procedure Code, 1973; and therefore, contended that there are no merits in the writ petition and the same is liable to be dismissed.

5. In view of above submissions of the learned Assistant Government Pleader for Home, this Court is of the opinion that since the investigation has been closed by the 2nd respondent and petitioner's presence is no longer required for conducting further investigation, no further orders are necessary to be passed in the writ petition and hence the same is closed. Accordingly, the writ petition is closed. No costs.

6. As a sequel, miscellaneous applications pending if any in this Writ Petition, shall stand closed.

SD/-N. SRIHARI
ASSISTANT REGISTRAR
SECTION OFFICER

//TRUE COPY//

To

1. One CC to SRI RAJESHWAR PANUGANTI, Advocate [OPUC]
2. Two CCs to GP FOR HOME, High Court for the State of Telangana, at Hyderabad. [OUT]
3. Two CD Copies

PSK.
GJP



HIGH COURT

DATED:05/06/2023

ORDER

WP.No.12930 of 2023



**CLOSING THE WRIT PETITION
WITHOUT COSTS.**

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HMA
20/6/2023