

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

WEDNESDAY, THE NINTH DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 19664 OF 2023

Between:

Feroz Mohammed, S/o Mohammed Ghouse, Aged about - 36 years, Occ.
Private Employee R/o presently H. No. 11-4-599, Chilkaiguda, Secunderabad
- 61.

...PETITIONER

AND

1. State of Telangana, Rep. by its Principal Secretary Home Department, Office at Central Secretariat, Khairatabad, Hyderabad, T.S.
2. The Director General of Police, State of Telangana, Saifabad, Hyderabad.
3. The Commissioner of Police, Hyderabad, Office at Basheerbagh Hyderabad.
4. The Deputy Commissioner of Police, Central Zone, Hyderabad.
5. The Assistant Commissioner of Police, Gandhi Nagar Division, Hyderabad.
6. The Station House Officer, Gandhi Nagar Police Station, Hyderabad.

...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 nature of Writ of Mandamus declaring the action of the Respondents more particularly Respondent No.6, in harassing the Petitioner and his family members, by visiting the residence of the Petitioner at H.No.11-4-599, Chilkaiguda, Secunderabad, is illegal, arbitrary, unconstitutional, and gross violation of fundamental rights guaranteed under Article 21 of Constitution of India, and consequently direct the Respondent more particularly Respondent No.6, not to visit the residence of the Petitioner at H.No.11-4-599, Chilkaiguda, Secunderabad, without following due process of law.

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 Respondents more particularly Respondent No.6, not to visit the residence of the Petitioner at H.No.11-4-599, Chilalguda, Secunderabad, without following due process of law.

Counsel for the Petitioner: SRI MIRZA MAHMOOD ALI BAIG

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.19664 of 2023

ORDER:

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

"...to issue an appropriate Writ, order or direction more particularly one in nature of Writ of Mandamus declaring the action of the Respondents more particularly Respondent No 6 in harassing the Petitioner and his family members by visiting the residence of the Petitioner at H.No11-4-599, Chilkaiguda, Secunderabad is illegal arbitrary unconstitutional and gross violation of fundamental rights guaranteed under Article 21 of Constitution of India and consequently direct the Respondent more particularly Respondent No.6 not to visit the residence of the Petitioner at H.No.11-4-599, Chilkaiguda, Secunderabad without following due process of law..."

2. It is the case of the petitioner that respondent No.6 without registering any case is frequently summoning the petitioner to the police station and confining him for hours together.

3. The learned counsel appearing for the petitioner has argued that respondents-police are not having any power or authority to confine the petitioner in the police station for hours together and the said action amounts to violation of fundamental rights guaranteed under Article 21 of the Constitution of India.

4. The learned Assistant Government Pleader for Home appearing for the respondents on written instructions has submitted that one Rubina Sultana, has sent a complaint dated 12.07.2023 to the respondent No.6 through registered post and the same was received on 15.07.2023 and entered in the Petition Management System vide Petition No.HYD/GNR_HYD/150723/00815. To conduct preliminary enquiry on the said complaint, the petitioner was informed to appear before the respondent No.6 but till date, he did not turn up. It is submitted that after conducting investigation on the said complaint and if the same reveals cognizable offence, the police will register a case and proceed in accordance with law.

5. In view of the above submissions, this Court deems it appropriate to direct the respondent No.6 that if the presence of the petitioner is required for the purpose of investigation, the respondent No.6 shall follow the procedure contemplated under Section 41A of Cr.P.C and also the guidelines issued by the Hon'ble Apex Court in **Arnesh Kumar vs. The State of Bihar**¹.

6. With the above direction, this Writ Petition is disposed of.

¹ (2014) 8 SCC 273

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As a sequel, miscellaneous applications pending if any in this writ petition, shall stand closed. No order as to costs.

SD/- K. VENKAIAH
ASSISTANT REGISTRAR
SECTION OFFICER

//TRUE COPY//

To,

1. The Principal Secretary, Home Department, Office at Central Secretariat, Khairtabad, Hyderabad, T.S.
2. The Director General of Police, State of Telangana, Saifabad, Hyderabad.
3. The Commissioner of Police, Hyderabad, Office at Basheerbagh, Hyderabad.
4. The Deputy Commissioner of Police, Central Zone, Hyderabad.
5. The Assistant Commissioner of Police, Gandhi Nagar Division, Hyderabad.
6. The Station House Officer, Gandhi Nagar Police Station, Hyderabad.
7. One CC to SRI MIRZA MAHMOOD ALI BAIG, Advocate [OPUC]
8. Two CCs to GP FOR HOME, High Court for the State of Telangana at Hyderabad [OUT]
9. Two CD Copies

BSR
GJP

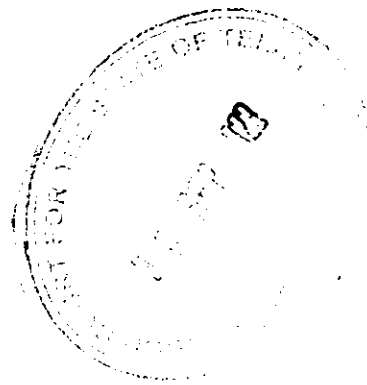
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HIGH COURT

DATED: 09/08/2023

ORDER

WP.No.19664 of 2023



**DISPOSING OF THE WRIT PETITION,
WITHOUT COSTS**

(12)

PM
25/9/23