

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

**TUESDAY, THE NINETEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 21492 OF 2023

Between:

Mr.Dontula Harpal, S/o Srinivas Donthula, Aged 26 years, Occ ; MBBS Student,
R/o.H-No.1-6-391/C, Reddy Colony Metpally, Jagityal District Telangana - 505327.

.....PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Home Department, Secretariat Buildings, Hyderabad.
2. The Commissioner of Police, Hyderguda Road, Basheerbagh, Hyderabad.
3. The Station House Officer, Uppal, Hyderabad.
4. Nallagulla Upendhra Kumar, S/o Nallagulla Jeji, R/o 3-13-94/120, VLR Colony, Srinivasapuram Ramanthapur, Hyderabad.
5. Begalappagari Hari Krishna, S/o Gangappagari Ramanjinappa Begalappagari, Age 22 years, Occ ; Student, R/o 6-54A, Devarapalle, Hindupur, Anantapur, Andhra Pradesh -5151211.

.....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 order or orders more particularly writ of Mandamus order thereby declaring the action of Respondent No.3 in calling the petitioner and his family members to the police station at the behest of Respondent No.4 and 5 without any crime or any FIR being registered against the petitioner as being illegal, arbitrary and unconstitutional and consequently to direct the Respondent No.3 to not to take any coercive steps without following the due process of law.

I.A.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.3 not to call the petitioner to police station and interfere with the petitioner's personal life and liberty pending disposal of the above writ petition.

Counsel for the Petitioner : SRI BADDAM ARAVIND 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 C.V. BHASKAR REDDY

WRIT PETITION No.21492 of 2023

ORDER:

This writ petition is filed praying this Court to declare the action of respondent No.3 in calling the petitioner and his family members to the police station at the behest of respondent Nos.4 and 5 without any crime being registered against the petitioner as illegal, arbitrary and unconstitutional and consequently to direct respondent No.3 not to take any coercive steps against the petitioner without following the due process of law.

2. It is the case of the petitioner that he got admission in Kyiv University, Ukraine in the year, 2016 and while he was pursuing his medical course, he got acquaintance with respondent Nos.4 and 5. It is the further case of the petitioner that he returned to India in the year, 2022 after completion of his studies and due to war in Ukraine, respondent Nos.4 and 5 also returned to India. It is the further case of the petitioner that respondent Nos.4 and 5 requested him to join as an intern in the hospital belonging to the relatives of respondent No.4 and when he declined

their request, respondent Nos.4 and 5 developed grudge against him and are making efforts to foist false cases against him. It is the further case of the petitioner that at the instance of respondent Nos.4 and 5, respondent No.3 is frequently summoning him to the police station and forcing him to enter into a settlement/compromise with respondent Nos.4 and 5 as per the terms dictated by them.

3. Learned counsel for the petitioner has vehemently contended that respondent No.3 is not having any power or authority to interfere with the civil disputes pending between the petitioner and respondent Nos.4 and 5 in any manner and the said action on the part of respondent No.3 amounts to violation of the rights guaranteed to the petitioner under Article 21 of the Constitution of India.

4. Learned Assistant Government Pleader for Home appearing for respondent Nos.1 to 3 has submitted that basing on the complaint lodged by respondent No.4 against the petitioner, respondent No.3 conducted preliminary enquiry and as the said enquiry revealed that there are civil disputes pending between the petitioner and respondent Nos.4 and 5, respondent No.3 has closed the said complaint

as 'civil in nature' and thereafter, he is not interfering with the civil disputes pending between the petitioner and respondent Nos.4 and 5.

5. In view of the said submissions, this Court, deems it appropriate to dispose of the writ petition, directing the respondents-police not to interfere with the life and liberty of the petitioner in any manner and if the presence of the petitioner is required for the purpose of investigation, the respondents-police are directed to follow the procedure contemplated under Section 41-A of Cr.P.C. and also the guidelines issued by the Hon'ble Apex Court in **Arnesh Kumar Vs. State of Bihar**¹.

6. With the above observations, this Writ Petition is disposed of. No costs.

As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

1(2014) 8 SCC 273

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SD/- K. AMMAJI
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. The Principal Secretary, Home Department, Secretariat Buildings, State of Telangana at Hyderabad.

2. The Commissioner of Police, Hyderguda Road, Basheerbagh, Hyderabad.
3. The Station House Officer, Uppal, Hyderabad.
4. Two CCs to GP For Home, High Court for the State of Telangana at Hyderabad. [OUT]
5. One CC to Sri Baddam Aravind Reddy, Advocate [OPUC]
6. Two CD Copies

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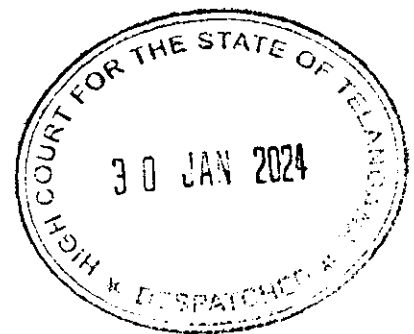
GJP *PR*

HIGH COURT

DATED:19/12/2023

ORDER

WP.No.21492 of 2023



**DISPOSING OF THE W.P
WITHOUT COSTS.**

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