

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

**THURSDAY, THE SEVENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 33124 OF 2023

Between:

M/s. Maxx Vespa Multi Finance Private Limited, Having its Regd. Office at F. No. 206, S.B.R. Gateway, P.No.13/1, Sy. No.64, Madhapur, Hyderabad, Ranga Reddy, Telangana- 500081. Rep. by its Director, Kinthala Shivala, C/o. Sri. Subedar Bheemrao, Aged about. 35 years, R/o b-24, 188/S, Singareni Colony, Saidabad, Hyderabad, Telangana- 500059

...PETITIONER

AND

1. The State of Telangana, Rep. by Director General of Police, Lakdikapul, Hyderabad.
2. The Commissioner of Police, Cyberabad Police Commissionerate, Hyderabad.
3. The Deputy Commissioner of Police, Madhapur Zone, Hyderabad.
4. The Assistant Commissioner of Police, Madhapur Division, Hyderabad.
5. The Station House Officer, Madhapur 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 a writ, order or direction, more particularly, one in the nature of writ of mandamus declaring the action of the Respondents herein, more particularly, the action of Respondent No. 5 herein, in interfering with the internal matters and day to day business activities of the Petitioner company as illegal, unlawful, arbitrary, unjust, abuse of process of law, sheer abuse of power, violative of principles of natural justice and against the principles of public policy and Consequently direct the Respondents herein, more particularly, the Respondent

No. 5 herein to not to interfere with the internal matters and in day to day business activities of the Petitioner company 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. 5 and its staff to refrain from interfering with the internal matters and day to day business activities of the Petitioner company along with their staff, pending disposal of the above writ petition.

IA NO: 2 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 direct the Respondent No. 1 to Respondent No. 4 to issue directions to the Respondent No. 5 and its staff to refrain from interfering with the internal matters and day to day business activities of the Petitioner Company and its employees, in the interest of justice.

Counsel for the Petitioner: SRI Y RAMA RAO AND ASSOCIATES

Counsel for the Respondents: AGP FOR HOME

The Court made the following: ORDER

HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.33124 OF 2023

ORDER: (ORAL)

This writ petition is filed to declare the action of respondent No.5-Station House Officer, Madhapur Police Station, Hyderabad, in interfering with business activities of the petitioner Company, as illegal, arbitrary and unconstitutional.

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

3. The petitioner Company, which is incorporated under the Companies Act, 2013, is engaged in the business of financial services by arranging personal loans, business loans etc. That since April, 2013, there has been interference in the business of the petitioner by the police authorities. In the 2nd week of April, 2023, the police insisted the petitioner to pay huge amount to one of its clients by name Mr. Mailaram Bhoodaiah, S/o. Mr. Mailaram Durgaiah. In the month of April, 2023, the petitioner Company received a call from a person by name Praveen Yadav, who claimed that he is calling from Madhapur Police Station and demanded them to refund the processing fee paid by the client by name Mr. Lingabathini Sunil Kumar, S/o. Mr. L. Satyanarayana, R/o. Rotary Nagar, Khamam. Later, in the

month of September, 2023, the petitioner's another client by name Mrs. K. Sravanthi, W/o. Mr. K. Amarnath, approached Madhapur Police. The petitioner received a call from Madhapur Police Station and one person, who introduced himself as Goutham Katakam (Sub-Inspector of Police), demanded them to refund the processing fee to Mrs. K. Sravanthi. It is, thus, contended that the police authorities are interfering with the business activity of the petitioner Company without following due process of law.

4. In the written instructions dated 07.12.2023 issued by the Sub-Inspector of Police, Madhapur Police Station, it is stated that Mrs. K. Sravanthi, w/o. Mr. Amarawalli, r/o. Uppaguda, Hyderabad, lodged a complaint with Madhapur police on 27.08.2023 stating that she has paid processing fee of Rs. 41,300/- to the petitioner Company for obtaining loan. Thereafter, the Company people told her that for giving loan, a Government employee's signature is necessary. The complainant cancelled her loan application, but the Company has not refunded the processing fee and, hence, requested the police to take necessary action. A copy of the written instructions along with a copy of the complaint dated 27.08.2023 lodged by Mrs. K. Sravanthi is served on the learned counsel for the petitioner.

5. It is submitted by the learned Assistant Government Pleader for Home that GD entry was made on the complaint dated 27.08.2023 lodged by Mrs. K. Sravanthi and, during the process of enquiry, the Sub-Inspector, Madhapur Police Station, Cyberabad Commissionerate, enquired with the Company officials. It is further submitted that respondent No.5 did not interfere with internal affairs or the business activities of the petitioner Company as alleged.

6. Learned counsel for the petitioner submitted that *prima facie* no offence is made out on the allegations made in the complaint dated 27.08.2023 referred to by the learned Assistant Government Pleader for Home.

7. In view of the fact that preliminary enquiry is pending pursuant to GD entry made by the police, this Court is not inclined to make any observations. However, if First Information Report is registered, it is needless to state that the police of respondent No.5 Police Station are bound to comply with the procedure contemplated under Section 41-A of the Code of Criminal Procedure, 1973 and the guidelines formulated by the Honourable Supreme Court in **Arnesh Kumar v. State of Bihar**¹.

8. Accordingly, the writ petition is closed as no orders are required to be passed. There shall be no order as to costs.

¹ (2014) 8 SCC 273

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

SD/- P.Ch. NAGABHUSHAMBA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to Sri Y. Rama Rao And Associates, Advocate [OPUC]
2. Two CCs to GP for Home, High Court for the State of Telangana, at Hyderabad [OUT]
3. Two CD Copies

T J
GJP

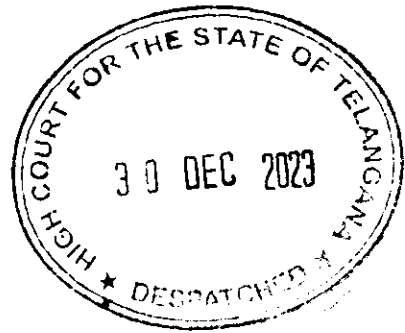
PMC

HIGH COURT

DATED:07/12/2023

ORDER

WP.No.33124 of 2023



**CLOSING THE WRIT PETITION
WITHOUT COSTS.**

⑥ PMG

22/12/23.