APHC010379342026

IN THE HIGH COURT OF ANDHRA PRADESH

AT AMARAVATI

[3504]

(Special Original Jurisdiction)

TUESDAY, THE 13th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION NO: 20261/2026

Between:

1. MUTYALA SAI KUMAR, S/O BALA RAMAKRISHNA, AGE 53 YEARS, OCC BUSINESS, R/O D.NO.82-1-9, FLAT NO.107, OXYGEN TOWERS, NEAR MAHALAXMI TEMPLE, AVA ROAD, RAJAMAHENDRAVARAM, EAST GODAVARI DISTRICT, 522238.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, HOME DEPARTMENT, SECRETARIAT, 533101.

2. THE SUPERINTENDENT OF POLICE, KAKINADA DISTRICT, KAKINADA, ANDHRA PRADESH - 533003.
3. THE DEPUTY SUPERINTENDENT OF POLICE, PEDDAPURAM SUB-DIVISION, KAKINADA DISTRICT, ANDHRA PRADESH - 533437.

4. THE INSPECTOR OF POLICE, GANDEPALLI POLICE STATION, KAKINADA DISTRICT, ANDHRA PRADESH - 533435. CAUSE TITLE AMENDED AS PER COURTS ORDER DT. 24.09.2026 IN I.A.NO.2 OF 2026

5. NUNE RAGHAVAMMA, W/O LATE SURYA BHASKARARAO, AGE 56 YEARS, OCC HOUSEWIFE, R/O D.NO.10-49, GARUVUGUMMAM, KATRAVULAPALLI JAGGAMPETA MANDAL, KAKINADA DISTRICT ANDHRA PRADESH. 533435.

6. NUNE VENKATA KRISHNA CHAITANYA, S/O LATE SURYA BHASKARARAO, AGE 36 YEARS, OCC HOUSEWIFE, R/O D.NO.10-49, GARUVUGUMMAM, KATRAVULAPALLI JAGGAMPETA MANDAL, KAKINADA DISTRICT ANDHRA PRADESH, 533435.

...RESPONDENT(S):

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 a Writ of Mandamus, declaring the action of Respondent Nos.3 and 4 in repeatedly summoning, harassing and interfering with the life and personal liberty of the petitioner, without following the procedure established by law as illegal, arbitrary, unconstitutional, without jurisdiction and violative of Articles 14, 19(1)(d), 19(1)(e), 21 and Article 300-A of the Constitution of India, and pass

IA NO: 1 OF 2026

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 Respondent Nos.3 and 4 not to summon, harass or interfere with the life and personal liberty of the petitioner except by following the due procedure established by law, and pass

IA NO: 2 OF 2026

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 may be pleased to permit the Petitioner to amend the cause title of the Respondent in W.P. No.20261 of 2026 by substituting the description of the Respondent Nos. 2, 3 and 4 as follows, in the interest of justice: "2. The Superintendent of Police, Kakinada District, Kakinada, Andhra Pradesh - 533003. 3. The Deputy Superintendent of Police, Peddapuram Sub-Division, Kakinada District, Andhra Pradesh - 533437. 4. The Inspector of Police, Gandepalli Police Station, Kakinada District, Andhra Pradesh - 533435." and pass

Counsel for the Petitioner:

1. PILLIX LAW FIRM

Counsel for the Respondent(S):

1. GP FOR HOME
2. RAMAKRISHNA AKURATHI

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The Court made the following Order:

The instant Writ Petition has been filed by the petitioner under Article 226 of Constitution of India seeking the following main prayer:

> *"….to issue an appropriate Writ, Order or Direction, more particularly a Writ of Mandamus, declaring the action of Respondent Nos.3 and 4 in repeatedly summoning, harassing and interfering with the life and personal liberty of the petitioner, without following the procedure established by law as illegal, arbitrary, unconstitutional, without jurisdiction and violative of Articles 14, 19(1)(d), 19(1)(e), 21 and Article 300-A of the Constitution of India, and pass…."*

2. The sum and substance of the writ petition is that the petitioner is doing real estate business and that the respondent-police authorities, without any lawful justification, are calling the petitioner to the respondent No.4-Police Station. When the matter was initially listed on 24.07.2026, this Court granted interim order:

"Having considered the facts and circumstances of case, and upon perusal of material available on record, it is evident that certain disputes are pending between the parties. Accordingly, the respondent-Police are hereby directed not to interfere with the civil disputes between the petitioner and the unofficial respondent Nos.5 and 6, without any legal cause.

List this mater on 24.09.2026."

3. Today, when the matter is taken up for hearing, learned Assistant Government Pleader for Home has submitted written instructions dated 24.09.2026 received from the concerned police personnel, states that the respondent-police are not interfering with the personal liberty of the petitioner.

4. He further contends that the petitioner lodged a criminal complaint, pursuant to which FIR in Crime No. 28 of 2026 was registered at Gandepalli Police Station, Kakinada District, on 03.02.2026.

5. Respondent-Police upon conducting an investigation, the respondent-police came to be conclusion that the complaint was false. Accordingly, respondent-police are attempting to contact the petitioner to serve a refer notice. Except for the aforesaid purpose, there is no other illegality or interference on the part of the respondent-police.

6. Learned Assistant Government Pleader for Home has also submitted that, on the complaint lodged by respondent No.6, the respondent-police registered FIR in Crime No.152 of 2022 at Gandepalli Police Station, Kakinada District, against the petitioner. The said case culminated into C.C. No.2472 of 2022

on the file of the Principal Junior Civil Judge, Peddapuram, and the same is presently pending adjudication before the competent Criminal Court.

7. Having regard to the facts and circumstances of the case, it appears that the apprehension of the petitioner is unfounded, in view of the submission made by the respondent-police that they are only intending to serve a refer notice on the petitioner in respect of the complaint lodged by him.

8. Taking into consideration the totality of the facts and circumstances of the case, the Writ Petition is disposed of with the following directions:

i) The respondent-police are directed not to interfere with the personal liberty of the petitioner without any legal cause.

ii) Respondent-police are at liberty to serve the refer notice on the petitioner, either in person or through other appropriate measures, in accordance with law, in respect of Crime No.28 of 2026, dated 03.02.2026, registered at Gandepalli Police Station, Kakinada District.

iii) This orders will not precluded the respondent-police to initiate appropriate steps against the petitioner in the event criminal cases registered against him.

There shall be no order as to costs. Interlocutory applications, if any, pending shall stand closed.

JUSTICE MAHESWARA RAO KUNCHEAM

Date: 13.10.2026
Note: Issue CC by 16.10.2026
B/o
RMR

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RMR