

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

THURSDAY, THE TWENTY FIFTH DAY OF MAY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION NO: 13557 OF 2023

Between:

Mohd Salman @ Mohd Abdul Tanveer, S/o Mohammed Abdul Nayeem, Aged 26 years, Occ. Private Service, R/o H.No. 19-3-1089/C/21, Madina Colony, OPP Pension Office, Jahanuma, Hyderabad.

...PETITIONER

AND

1. The State of Telangana, Rep through The Principal Secretary, Home Department, Secretariat buildings, Hyderabad.
2. The Deputy Commissioner of Police South Zone, At Purani Haveli, Hyderabad Police.
3. The Assistant Commissioner of Police, Falaknuma, Hyderabad.
4. The Station House Officer, P.S Falaknuma, Hyderabad.
5. Mohammed Ali, Police personal C/o P.S. Falaknuma, 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 Respondent no.4 and 5, in frequently calling the Petitioner to the police station and attempting to arrest/detained the Petitioner without there being any FIR or case registered against the petitioner and without following due process of law as illegal arbitrary and violative of article 14, 21 of Indian constitution and against the principles of natural justice and consequently direct the Respondent No. 4 and 5 to restrain from taking any coercive steps against the Petitioner without following due process of law.

Counsel for the Petitioner: SRI L.RAM SINGH
Counsel for the Respondent Nos.1 TO 4: AGP FOR HOME
Counsel for the Respondent No.5: --
The Court made the following: ORDER

THE HON'BLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION No.13557 of 2023

ORDER:

Heard Sri L. Ram Singh, learned counsel appearing for the petitioner and learned Assistant Government Pleader for Home appearing for respondent Nos.1 to 4. Perused the record.

2. In view of the nature of relief sought by the petitioner herein, this writ petition is disposed of at the admission stage dispensing with notice to respondent No.5.
3. This writ petition is filed declaring the action of respondent Nos.4 and 5, in frequently calling the petitioner to the Police Station and attempting to arrest/detain the petitioner without there being any FIR or case registered against him as illegal, arbitrary and consequently direct respondent Nos.4 and 5 to restrain them from taking any coercive steps against the petitioner.
3. In view of the said specific allegations, this Court directed learned Assistant Government Pleader for Home to get instructions. Learned Assistant Government Pleader,

on instructions from respondent No.4, would submit that as of now, respondent No.4 has not received any complaint against the petitioner herein and no FIR has been registered.

4. Recording the said submissions, this writ petition is disposed of directing respondent No.4 not to call the petitioner to the Police Station without following due procedure laid down under law including registering of any crime against him. However, liberty is granted to respondent No.4 to take action against the petitioner, in the event of any complaint lodged against him. There shall be no order as to costs.

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

Sd/-MOHD SANAUULLAH ANSARI
ASSISTANT REGISTRAR
//TRUE COPY//
SECTION OFFICER

To

1. The Station House Officer, P.S Falaknuma, Hyderabad.
2. One CC to SRI L.RAM SINGH, Advocate [OPUC]
3. Two CCs to GP FOR HOME, High Court for the State of Telangana, at Hyderabad. [OUT]
4. Two CD Copies

PSK.

BS

VACATION COURT

HIGH COURT

DATED:25/05/2023

ORDER

WP.No.13557 of 2023

25 May 2023

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS.

[Handwritten signature]
25/05/2023