

THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY**Writ Petition No.18449 of 2022****ORDER:**

This Writ Petition for a mandamus is filed to declare the action of respondents 2 to 18 police officials, who are the Director General of Police, Andhra Pradesh and Superintendents of Police of various districts in the State of Andhra Pradesh, in not providing copy of F.I.R. to the petitioner registered in their respective police stations, as illegal, unconstitutional and consequently, sought direction to the respondents to provide copy of F.I.R. to the petitioner and sought further direction to them not to interfere with the life and liberty of the petitioner without following the due process of law.

2. Heard learned counsel for the petitioner and learned Government Pleaders-I and II for Home appearing for respondent police officials.

3. Outline facts of the Writ Petition may be stated as follows:

(a) The petitioner is a former Cabinet Minister of the State of Andhra Pradesh and Politbureau member of Telugu Desam Regional Party in the State of Andhra Pradesh. It is stated that he has been publicly raising his voice frequently against the policies of the Government of the ruling party and more particularly against the chief of the government. Therefore, it is stated that in order to suppress his voice that the Government has decided to damage his property and implicate him in false cases. So, in the said process, a part of the structure of his

house was demolished and he has challenged the action of the concerned officials in this regard by way of filing a separate Writ Petition. This Court in W.P.No.16579 of 2022 directed the respondents therein not to demolish the structure of the house of the petitioner and permitted him to raise a fence in the place of the existing compound wall.

(b) It is further stated that the authorities at helm of the affairs of the State is proposing to use the police power to harass the petitioner physically by implicating him in false cases and for the last one week that police from different areas and districts in the State of Andhra Pradesh have been coming to the house of the petitioner and enquiring about the petitioner from his family members continuously and that the police are watching the every movement of inmates of the house of the petitioner and thereby interfering with their personal liberty.

(c) It is stated that when the petitioner has recently on 15.06.2022 in a "Mini Mahanadu" meeting convened at Chodavaram in Anakapalle District, made a speech and in the said speech that he has made certain comments against the ruling party and as such, his enquiries revealed that an attempt is being made to register F.I.R. against him in false cases and to harass him. When the petitioner and his family members demanded the police, who are visiting the house of the petitioner, to disclose whether any F.I.R. was registered against him that they did not furnish any copy of the F.I.R. said to have been registered against him and even in the official website of the Police Department, no F.I.R. was found to be registered against

him. Therefore, it is stated that the visits of the police to his house without registering any F.I.R. against him is illegal and violative of Articles 14 and 21 of the Constitution of India.

(d) Therefore, with the aforesaid grievance, the petitioner is before this Court by way of filing this Writ Petition seeking declaration that the action of the respondents 2 to 18 in not furnishing a copy of the F.I.R. to the petitioner, as illegal and consequently, sought direction to the respondent police officials not to interfere with the personal liberty of the petitioner.

4. When the Writ Petition came up for admission before this Court yesterday i.e. on 30.06.2022, learned Government Pleaders I and II for Home and learned Standing Counsel for C.I.D. sought time to seek instructions to ascertain whether any F.I.R. was registered against the petitioner in any of the Police Stations in all the 26 Districts of the State of Andhra Pradesh. Therefore, the matter is posted to this day after giving interim protection to the petitioner as per order dated 30.06.2022.

5. After seeking instructions, learned Government Pleaders I and II for Home and the learned Standing Counsel for CID also, on written instructions, would submit that no crime or F.I.R. is registered against the petitioner in any of the Police Stations in all the 26 Districts in the State of Andhra Pradesh. They have also placed the written instructions, received by them from the Director General of Police (D.I.G.) of the State of Andhra Pradesh issued to that effect, on record, which is dated 30.06.2022.

6. It is evident from the said written instructions which are placed on record also that no crime or F.I.R. is registered against the petitioner in any of the Police Stations in all the 26 Districts in the State of Andhra Pradesh.

7. Therefore, on the basis of the said written instructions, learned Government Pleaders I and II for Home would submit that the said apprehension of the petitioner that he may be arrested by the police without there being any crime or F.I.R. registered against him, as expressed in the present Writ Petition, is purely an imaginary apprehension and that there is no truth in it. They would also submit that the photographs, which are now produced by the petitioner showing the presence of the police at his house pertain to the earlier incident. They would submit that the illegal construction of the compound wall of the house of the petitioner was demolished by the revenue people and on their requisition police protection was given to them and these photographs pertain to the said past incident and they do not relate to any recent incident. So, they would submit that the allegation that the police are making domiciliary visits illegally to the house of the petitioner and making enquiries about his whereabouts and thereby interfering with the personal liberty of the petitioner and his family members is also absolutely false.

8. As it is now stated on written instructions, as discussed above, that no crime or F.I.R. whatsoever was registered against the petitioner in any of the Police Stations in all the 26 Districts in the State of Andhra Pradesh, the question of directing the

respondent police officials to furnish copy of the F.I.R. to the petitioner, as sought for in this Writ Petition, does not arise at all.

9. As rightly contended by the learned Government Pleader-I for Home, when there is no F.I.R. or crime registered against the petitioner, the alleged apprehension of the petitioner that he may be arrested without there being any F.I.R. or crime registered, appears to be an imaginary apprehension. However, as it is pleaded in the Writ Petition that as the petitioner made certain comments against the present government and the ruling party that he may be arrested by implicating him in a false case and that he would be arrested, considering the said apprehension of the petitioner, this Court is of the considered view that this Writ Petition can be disposed of with a direction to the respondent police officials not to make any such domiciliary visits to the house of the petitioner or interfere with his personal liberty without there being any crime or F.I.R. registered against him and without following the due process of law and this would suffice to protect the interests of the petitioner in view of the apprehension expressed by the petitioner in the facts and circumstances of the case.

10. Therefore, the Writ Petition is disposed of with a direction to the respondent police officials not to make any domiciliary visits to the house of the petitioner without there being any crime or F.I.R. registered against him. If at all, any crime is registered against the petitioner in future, they shall follow the due process of law. It is brought to the notice of this Court by the learned

Government Pleader-I for Home as well as learned counsel for the petitioner that eleven crimes are registered against the petitioner by the police earlier. It is also brought to the notice of this Court by the learned counsel for the petitioner that protection was ordered in all the said crimes by the Court in his favour. Therefore, as regards the said eleven crimes, which are already registered against the petitioner, the law has to take its own course. No costs.

Consequently, miscellaneous applications, pending if any, shall also stand closed.

JUSTICE CHEEKATI MANAVENDRANATH ROY

Date:01.07.2022.

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