

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

MONDAY, THE TWENTY SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 5586 OF 2023

Between:

Gomarapu Nithin Kumar, S/o Gomarapu Srinivas Rao, Aged 22 years, Occ. Business, R/o 23-4-650, New Ambedkar Statue, Sultan Shahi, Charminar, Hyderabad-65.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Home Department, Hyderabad.
2. The Commissioner of Police, Cyberabad.
3. The Station House Officer, PS Cyber Crimes, Cyberabad.

...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 any appropriate writ, order or direction more particularly in the nature of mandamus declaring the action of the Respondents No.3 in harassing by calling me to the Police Station and to implicate me in false cases, as illegal, arbitrary and against the principles of natural 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 Respondents No.3 not to harass by calling the Petitioner to police station during the pendency of the above WP.

**Counsel for the Petitioner: SRI K.KARUNA SAGAR
Counsel for the Respondents: AGP FOR HOME
The Court made the following: ORDER**

THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.5586 OF 2023

ORDER (ORAL):

This writ petition is filed seeking to declare action of respondent No.3 – Station House Officer, Cyber Crimes Police Station, Cyberabad in calling petitioner to the Police Station, as illegal and arbitrary.

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

3. Learned Assistant Government Pleader for Home having received the written instructions dated 27.02.2023 submitted that F.I.R. No.7 of 2023 was registered on 03.01.2023 with Cyber Crimes Police Station, Cyberabad on the complaint of Nemalidinne Brahma Reddy for the offences punishable under Section 420 of the Indian Penal Code, 1860 (for short the 'IPC')

and Section 66-D of the Information Technology Act, 2000-2008 (for short the 'I.T. Act').

4. It is stated that the grievance of the complainant therein is that in the month of November, 2002, he was advised by a person whom he met in Startup meet and registered in the website i.e., <https://www.blescoins.com>. Both the persons Abhigna and bless coin customer service used to contact him through telegram. On trusting their words, he started trading by investing amount of Rs.4,12,48,060/- in their multiple accounts, paid the amount to their bank account/UPI IDs through his bank account No.50100111409182, IFSC Code:HDFC0000545 of HDFC Bank from 10.11.2022 to 29.12.2022. After that, they showed him the profit amount of Rs.9,23,40,405/- virtually, but when tried to withdraw the amount was freezed. To get the amount he was asked to pay tax of 20% on the profits i.e., 1,84,68,081/-. On that he realized that it is a fraud and the said persons have cheated him on the pretext of trading and lured him to a tune of Rs.4,12,48,060/-. It is stated that notice under Section 41-A of the

Cr.P.C. was issued to all the accused including the petitioner - accused No.7.

5. It is further stated that petitioner is also one of the accused in Crime No.128 of 2022 of Cyber Crimes Police Station, Shadara, Delhi registered on 10.11.2022 for the offences punishable under Section 420 of the IPC and Section 66-D of the I.T. Act. The allegation against the petitioner is that he has sold about 30 to 35 sim cards to various people without taking Aadhar cards and any other ID proofs. Police did not call the petitioner to the police station. A1 to A2 are absconding. A copy of the written instructions dated 27.02.2023 is served on the learned counsel for the petitioner.

6. Recording the submissions of the learned Assistant Government Pleader for Home, the writ petition is disposed of as no further orders are required to be passed. There shall be no order as to costs.

As a sequel, miscellaneous Petitions, if any, pending shall stand closed. There shall be no order as to costs.

SD/- P. PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, Home Department, Hyderabad, State of Telangana.
2. The Commissioner of Police, Cyberabad.
3. The Station House Officer, PS Cyber Crimes, Cyberabad.
4. Two CCs to GP FOR HOME, High Court for the State of Telangana, at Hyderabad. [OUT]
5. One CC to SRI K.KARUNA SAGAR, Advocate [OPUC]
6. Two CD Copies

PSK.

GJP

BSR

HIGH COURT

DATED:27/02/2023

ORDER

WP.No.5586 of 2023



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS.**

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21/03/23
BSR