

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.7948 of 2015

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ORDER:

Heard.

The grievance of the petitioner is that in spite of complaints dated 17-02-2014 and 15-03-2015, the 3rd respondent has neither registered any crime nor has investigated the same.

The 3rd respondent has filed counter affidavit stating that the petitioner's aforesaid complaints were received by post and the 3rd respondent visited the petitioner's house for the purpose of making enquiry and at that time, the petitioner's mother by name Fareeda stated that the petitioner and her son are coming in nights only from last one week and in day time, they are staying in relatives house. The 3rd respondent also stated that he tried to contact the petitioner over phone, but there was no response and her whereabouts are not known. The further enquiry of the 3rd respondent revealed that the marriage of the petitioner's son was performed with the 5th respondent and the 4th respondent is the father of the 5th respondent and there is a matrimonial dispute between the petitioner's son and the 5th respondent. The preliminary enquiry of the 3rd respondent also revealed that respondents 4 and 5 never threatened or harassed the petitioner as alleged by her.

Learned counsel for the petitioner has not filed any reply affidavit denying the averments made by the 3rd respondent.

The petitioner and her son are not available for the purpose of preliminary enquiry. Unless the petitioner and her son appear before the 3rd respondent, no preliminary enquiry can be conducted and no further steps can be taken by the 3rd respondent. As such, the grievance of the petitioner that no action is taken on her complaints is apparently incorrect, as the 3rd respondent has made efforts by visiting the petitioner's house, but the petitioner and her son are not available and they have

not co-operated with the 3rd respondent.

In view of that, the writ petition is disposed of giving liberty to the petitioner to appear before the 3rd respondent along with her son and the 3rd respondent shall record their statements and make appropriate preliminary enquiry and take further action in accordance with law. No order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 29-04-2015

Prv

