

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

WRIT PETITION NO.25587 OF 2011

Between:

Jayesh Gundecha and others

.. Petitioners

and

The Station House Officer, Women Police
Station, CCS, Hyderabad and others

.. Respondents

DATE OF JUDGMENT PRONOUNCEMENT
2015

: 20th JULY,

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE SANJAY KUMAR

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| 1. | Whether Reporters of Local newspapers
may be allowed to see the judgment? | Yes/No |
| 2. | Whether the copies of judgment may be
marked to Law Reporters/Journals | Yes/No |

3. Whether Their Lordship wish to
see the fair copy of the judgment?

Yes/No

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.25587 OF 2011

ORDER

This writ petition was filed assailing the action of the police authorities in interfering with the life and liberty of the petitioners and pressurizing them to settle their properties in favour of the fifth respondent or pay a lump sum to her. The fifth respondent is the wife of the first petitioner. The second and third petitioners are the parents of the first petitioner, while the fourth petitioner is his brother. The fifth petitioner is stated to be a near relation.

Though the matter has been pending on the file of this Court since 2011, the police authorities did not choose to file a counter-affidavit.

Notwithstanding the same, this Court is of the opinion that given the facts, this writ petition need not be kept pending awaiting the response of the police authorities and is amenable to disposal at this stage.

It is an admitted fact that the fifth respondent lodged a complaint against the petitioners whereupon, Crime No.296 of 2011 was registered against them on the file of Central Crime Station, Hyderabad, under Sections 498-A and 406 IPC read with Sections 4 and 6 of the Dowry Prohibition Act, 1961.

Sri A. Prabhakar Rao, learned counsel for the petitioners, and the learned Assistant Government Pleader for Home are unable to state before this Court as to what is the present status of the aforestated crime.

Perusal of the FIR however discloses that petitioners 1 to 4 were shown therein as the accused. In that view of the matter, this Court is of the opinion that the petitioners cannot object to the police summoning them and examining them in the course of the investigation of Crime No.296 of 2011. Needless to state, the police authorities are bound to follow the due procedure while undertaking such exercise.

Making this position clear and in the event the case has not culminated one way or the other as per law, the writ petition is closed leaving it open to the police authorities to take action in the matter strictly in accordance with the due procedure laid down by law. Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

20th JULY, 2015
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