

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.4611 of 2015

ORDER:

Heard the learned counsel for the petitioner and learned Government Pleader for Home appearing for the respondents.

Instructions received by Govt.Pleader show that the mother of the children, who is not a party to this writ petition had filed a complaint under Section 498-A IPC before Pedda Ariveedu Police Station, which was registered as Crime No.18 of 2015 against the petitioner and his wife. The said case is stated to be pending trial before the Markapur Court. It is stated that as per the orders of the Additional Judicial Magistrate of First Class, Markapur, the Sub-Inspector of Police of the said police station has traced out the children and it is stated that with the permission of the Head-Master, he took custody of the children and produced them before the Additional Judicial Magistrate of First Class, Markapur, and as per the directions of the Court, the children are handed over to mother. The allegations of kidnapping etc. made by the petitioner against the police in the affidavit are therefore denied.

Learned counsel for the petitioner also states that the Guardian O.P.No.119 of 2014 filed by the petitioner is already pending before the District Court, Nellore since 20.02.2014 and as such, the custody of the children which was with the petitioner could not have been taken high-handedly by the mother through respondents 3 and 4. Since it is intended that the children are with the mother as per the orders of the Additional Judicial Magistrate of First Class, Markapur, it is appropriate for the petitioner to verify the records relating to said order passed by the Additional

Judicial Magistrate of First Class, Markapur and then make an appropriate application before that Court. Petitioner is also at liberty to move appropriate application before the District Court where the Guardian O.P. is pending. However, in view of the pendency of the said civil proceedings, namely, one before the District Court, Nellore and the other before the Addl.Judicial Magistrate of First Class, Markapur, the invocation of extraordinary jurisdiction of this Court by the present writ petition is not called for. The petitioner is therefore at liberty to seek appropriate remedies before the said respective Courts where the proceedings are pending.

Hence, with the liberty aforesaid, the writ petition is disposed of. No costs.

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

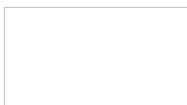
VILAS V.AFZULPURKAR, J

Date:03.03.2015

Note:

Issue C.C. in two days.

B/o. Rns.



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04.03.2015

Rns