

HONOURABLE SRI JUSTICE A. V.SESHA SAI

WRIT PETITION No.40372 OF 2012

DATED 11TH December, 2015

BETWEEN

Kotha Phani Kumar

...Petitioner

And

The State of AP., rep. by its Superintendent of Police,
Guntur, Guntur District and ors.

...Respondents.

HONOURABLE SRI JUSTICE A. V.SESHA SAI

WRIT PETITION No.40372 OF 2012

ORDER:

This Writ Petition under Article 227 of the Constitution of India is filed for the following relief.

“to issue a Writ, or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No 2 and 3 in interfering into the matrimonial disputes between the petitioner and the fourth respondent is illegal, arbitrary and violating the Article 14, 19 (1)(g) and 21 of Constitution of India and also violation of principles of natural justice and consequently direct the respondents 2 and 3 not to interfere into the matrimonial disputes of petitioner and his family and pass such other order or orders as this Honourble Court may deem fit and proper in the circumstances of the case “

Heard the learned Counsel for the petitioner and learned Government Pleader appearing for the official respondents.

In response to the notice issued by this Court, the Sub Inspector of Police, I Town Police Station, Narasaraopet, Guntur District filed counter affidavit. In Paragraphs 3 and 6 of the counter affidavit it is stated as follows:

“3. It is respectfully submitted that the facts of the case are that on 16.1.2013 one Smt. Kotha Radhika Kumari-4th respondent herein had approached the Police of Narasaraopet I Town Police Station, Guntur and lodged a complaint against the petitioner herein and others stating that she was married to one Mr.Kotha Phani Kumar-the Writ Petitioner herein and at the time of marriage, 4 lakhs of cash, 18 sovereigns of gold, half KG silver was given as dowry and after the marriage they lived happily for some time and after that she was harassed by her husband and his family members mentally and physically for additional dowry and that on 3.12.2012 all the accused demanded for extra dowry and throw away her from the house and that she went to her parents house at Narsaraopet and that on 14.12.2012 all the accused came to her house at Narasaraopet and demanded for additional dowry and threaten her to agree for divorce for which she did not agree and hence requested the police to take necessary action as per law. As per the instructions of the Inspector of Police, HC 2425 registered the above complaint vide Cr.No.4/2013 under Section 498-A IPC and Sections 3 and 4 Dowry Prohibition Act on 16.1.2013 and the Inspector of Police, Narasaraopet I Town Police Station took up the investigation. The petitioner herein is shown as Accused A1 in the said FIR along with the other accused.

6. It is respectfully submitted that the allegation of the petitioner that on 20.12.2012 and 25.12.2012 the third respondent and their staff came to his house at Ongole and insisted him and his family members to take away along with them without registering any case against him and his family members is absolutely false and hence the

same is denied. The allegation of the petitioner that at the instance of the fourth respondent the second and third respondents herein repeatedly telephone to him and threatening him to withdraw the original petition filed in the Family Court and also threatened him to lead marital life with the fourth respondent herein is also false, baseless and hence the same is denied. All the allegations made in the affidavit are false, baseless and they are exaggerated and hence the same are denied.

While referring to the aforesaid paragraphs of the counter affidavit, it is requested by the learned Counsel for the petitioner that in view of the averments made in the aforesaid paragraphs, the Writ Petition may be closed.

Accordingly the Writ Petition is closed in view of the averments made in paragraphs 3 and 6 of the counter affidavit.

Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE A. V.SESHA SAI

DATED 11th December,2015.
Msnr_x