

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.5513 of 2015

ORDER:

Heard.

The petitioner states that earlier his children by name Raghavendra Reddy aged 13 years and Rahul Reddy aged 7 years were in his custody and he had joined them in Neelkanth Vidyapeeth High School, Batasingaram, Hyderabad and SPR at Miryalguda respectively. It is stated that the said children were taken away in the month of September, 2014 by respondents 5 to 11, who are relatives of the wife of the petitioner. The petitioner alleges that since the custody of the children is taken away from him illegally, though he made complaint on 15-11-2014 before respondents 3 and 4, no action is taken thereon.

Learned Government Pleader has received instructions, which state that earlier the petitioner filed W.P.No.3476 of 2015 alleging kidnap of minor children. The said writ petition was disposed of by this Court on 18-02-2015 giving liberty to the petitioner to approach appropriate forum in accordance with law. Thereafter, the present writ petition is filed. It is further stated that the petitioner's wife Smt.Sri Latha was stated to be missing. Hence, the petitioner filed a complaint regarding woman missing on 24-10-2013, which was registered as a case in Cr.No.258 of 2013. While the investigation in the said crime is pending, the petitioner's wife was found on 29-10-2013. However, she herself gave statement alleging harassment of the petitioner. Hence, section of law was altered to Section 498-A IPC and the investigation was subsequently completed and is now pending in C.C.No.1102 of 2014 before the Judicial First Class Magistrate, Miryalaguda. In addition to that, another complaint from one Sri Kothakonda Raghavendra was received against the

petitioner. Based on which, a case in Cr.No.915 of 2014 was registered with the L.B.Nagar Police Station, Cyberabad and the petitioner was arrested on 17-09-2014 and was remanded to judicial custody. It is further stated that the wife of the petitioner has taken away the minor children to her parents' house. It is further stated that the complaint of the petitioner, dated 15-11-2014 has not been received. But, however, on enquiry the 4th respondent came to know that the wife of the petitioner has already filed O.P.No.221 of 2014 before the Additional District Judge, Miryalaguda, seeking lawful custody of minor children and the matter is posted for hearing on 10-03-2015.

Evidently, the petitioner was involved in the two crimes referred to above. However, the learned counsel for the petitioner states that the wife of the petitioner is mentally unwell and she is under treatment. However, the said matter is pending adjudication in C.C.No.1102 of 2014 referred to above.

So far as the petitioner's claim for custody is concerned, since the said issue is pending adjudication in O.P.No.221 of 2014 before the Additional District Judge, Miryalaguda, the petitioner has to approach the said Court and make his submissions including the submission relating to the ill-health of his wife, so as to prove his claim over and above the natural guardian i.e., mother. Therefore, no relief can be granted to the petitioner.

With the aforesaid direction, the writ petition is disposed of.
No order as to costs.

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

VILAS V.AFZULPURKAR, J

Date: 09-03-2015

Prv

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