

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.28879 of 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue writ of Mandamus to declare the action of 1st and 4th respondent in calling the petitioner to appear before them and pressurizing the petitioner to hand over his daughter by name Rishita to the 6th Respondent by interfering in Civil Dispute is illegal, arbitrary and in violation of the Article 21 of the Constitution of India and consequently direct the 3rd, 4th and 5th Respondents not to interfere in Civil Dispute by calling the petitioner to the police station and pressurizing the petitioner to handover the custody of his daughter by name Rishita to the 6th Respondent.”

Heard Sri K.V. Subba Reddy, learned counsel for the petitioner and learned Government Pleader for Home for respondents, apart from perusing the material available before this Court.

Today, when the matter is called, written instructions, furnished by the Station House Officer, Miryalguda II Town Police Station have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“It is submitted that the Writ Petitioner lodged a complaint dated 24.5.2015 with Miryalaguda II Town PS stating that he and his wife (6th Respondent) are residing separately since November, 2014 due to family disputes and his daughter Rishitha is staying with him. While so on 1.3.2015 his wife lodged a complaint with Suryapet Rural PS vide Crime No 45/2015 u/s 498-A IPC, Sec. 3 & 4 of D.P. Act. On that, they conducted a panchayat in the presence of elders, but invain. However, the Respondents 6 and 7 together with Kuppireddy Jagan Reddy, Sravan Reddy, Maram Narsireddy, Modugu Nagireddy including his wife Kavitha broke the door lock,

entered the house, man-handled him, beat his mother with stones, and tried to kidnap his daughter. The said complaint was registered as FIR No.78/2015 u/s 448, 324, 363 r/w 511 IPC.

It is submitted that during the course of investigation, it is revealed that the alleged accuse are no way concerned with the offence, as they did not participate in the offence. As such after obtaining permission from the SDPO, Miryalaguda, the names of 1)Kuppireddy Jagan Reddy, 2) Bolla Sravan Reddy, 3) Maram Narsireddy and 4) Modugu Nagireddy were delete from the FIR. Further, no offence is made out against Avula Dayakar Reddy, Avula Ramana and Katta Kavitha (A.I, A.2 and A.3) for the offence punishable u/s 363, r/w 511 of I.P.C.

It is submitted that on 24.6.2015 the Accused 1 to 3 appeared before the Police Station and they admitted their guilt. As such notices u/s 41 (A)(3) Cr.P.C. were served upon them informing them that Charge Sheet is being filed against them in the Court of Hon'ble JFCM, Miryalaguda and also informed them that they should appear before the Hon'ble Court as and when summoned. It is submitted that Charge Sheet has been filed before the Hon'ble JFCM, Miryalaguda on 13.8.2015 and C.C. number is awaited.

The allegation that at the instance of the 6th and 7th Respondents, the Respondent Police are calling the petitioner to the Police Station and pressurizing him to hand over his daughter to his wife, otherwise he was threatened of dire consequences and that a false criminal case would be initiated against him is false, baseless and denied. The further allegation that the Respondent Police are acting in conspiracy and coalition with the 6th and 7th respondents. It is submitted that the Respondent Police have registered FIR No.78/2015 based on the complaint lodged by the Writ Petitioner, hence question of calling him to the Police Station and pressurizing him in connection with the said FIR does not arise. It is submitted that the Respondent Police are not pressurizing the petitioner to hand over his daughter to his wife. It is also submitted that the Respondent police are not interfering in the civil disputes as alleged by the petitioner. It is also submitted that the Respondent Police are not calling the petitioner to the Police Station in connection with FIR No.78/2015.”

On noticing the above said instructions, learned counsel for the petitioner has requested this Court to record the said

instructions and dispose of the writ petition.

In view of the above, the writ petition stands disposed of, by recording the written instructions furnished by the Station House Officer, Miryalguda II Town Police Station.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. There shall be no order as to costs.

A.V. SESA SAI, J

September 14, 2015

Pn

-

-

-

THE HON'BLE SRI JUSTICE A.V. SESA SAI

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-
WRIT PETITION No.28879 of 2015

-
September 14, 2015

Pn