

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No. 19354 of 2016

ORDER:

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

With the consent of both the parties, the writ petition is disposed of at the admission stage.

Since this Court is not entertaining the matter on merits, it may not be necessary to issue notices to the unofficial respondent.

The present writ petition came to be filed seeking issuance of writ of Mandamus declaring the action of respondent No.3 in calling the petitioner to the police station, treating him cruelly, threatening to implicate him in false cases and forcibly keeping him in the police station under threat, coercion, fear of torture, at the instance of respondent No.4 as illegal, unlawful, arbitrary, discriminatory, without jurisdiction and violative of fundamental rights guaranteed under Articles 21 and 22 of the Constitution of India and consequently to direct respondent No.3 not to interfere with the personal life and liberty of the petitioner, not to harass and implicate him in false cases, pending disposal of main writ petition and pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case and in the interest of justice.

The averments in the affidavit filed in support of the writ petition would show that the petitioner, who married respondent No.4, preferred an O.P. for a decree of divorce before the Hon'ble Court at Sangareddy Medak District on allegations of cruelty. The said Court granted a decree of divorce on 24.07.2014 by dissolving their marriage vide O.P.No.151 of 2013. It is further averred that respondent No.4 lodged a report which came to be registered as

Crime No.707 of 2014 on 21.07.2014 under Sections 506 and 509 of IPC before KPHB Police Station. Subsequently, police filed charge sheet against the petitioner which was taken on file as C.C.No.1254 of 2014. After a full-fledged trial, the II AJCJ-cum-XIX Metropolitan Magistrate, Cyberabad, Kukatpally, at Miyapur, acquitted the petitioner. Thereafter, respondent No.4 lodged a report before Chandanagar and KPHB Police in the month of July, 2014, making false allegations of harassment and started blackmailing the petitioner by colluding with police of Pulkal Police Station, Medak District. When the petitioner came to know that respondent No.4 filed a report before respondent No.3, he gave his explanation to the police. In spite of being satisfied with the explanation given by the petitioner, the police are pressurizing him to pay Rs.40 lakhs, failing which they threatened to send him to jail, without registering any case. Hence the present writ petition.

Though various grounds are raised, the learned counsel for the petitioner restricts his prayer seeking a direction to the respondent – police not to harass the petitioner by summoning him to the police station without following due process of law.

Learned Government Pleader for Home states that the petitioner would not be summoned without following due process of law.

Without going into merits of the case and having regard to the facts in issue, the writ petition is disposed of directing the respondent-police not to summon the petitioner to the police station, without following due process of law.

Miscellaneous petitions, pending if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE C. PRAVEEN KUMAR

17.06.2016,

Note:

Issue CC by Monday.

B/o.

vhb