

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.39869 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to declare the action of the 2nd respondent in threatening the petitioner to arrest in C.C.No.273 of 2016, on the file of the X Special Metropolitan Magistrate, at Hyderabad, dated 02.02.2015, for offences under Sections 326 & 506 IPC, as illegal and arbitrary.

Heard and perused the material available on record.

The case of the petitioner is that respondents 3 and 4 filed private complaint against the petitioner and A-1 alleging that 4th respondent married the daughter of A-1 on 22.05.2013 and that A-1 and the petitioner are instigating the wife of 4th respondent to abandon and leave the 3rd respondent, who is the mother of the 4th respondent and start separate family and that on 18.01.2014, when the 4th respondent went to the house of A-1 to bring back his wife, A-1 attacked the 4th respondent and caused severe and grievous and multiple injuries. The main grievance of the petitioner is that the petitioner came to India recently when the 2nd respondent threatened the petitioner to arrest him saying that NBW is pending against him in C.C.No.273 of 2016, on the file of the X Special Metropolitan Magistrate, at Hyderabad and that the 2nd respondent is harassing the petitioner.

The truth of the said allegations can be decided only after due trial. Hence, this Court is not inclined to interfere with the proceedings against the petitioner before the trial Court.

At this stage, learned counsel for the petitioner confined his arguments only in connection with the pendency of NBW pending against the petitioner and the petitioner apprehends that he may be arrested in view of the Non-bailable warrant issued by the trial Court. Learned

counsel for the petitioner further submitted that since the NBW is pending against the petitioner, the same may be recalled.

Having heard the learned counsel for the petitioner and the learned Government Pleader for Home and having perused the material available on record, this Court is of the view that the writ petition can be disposed of with the following directions:

The petitioner is directed to appear before the Court concerned on or before 10.12.2016 and file a petition to recall the warrant pending against him and on such petition being filed, the Court concerned is directed to recall the warrant on the same day on his executing personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for a like sum. The petitioner is further directed to appear before the concerned Court regularly.

Accordingly, the Writ Petition is disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO,J

Date: 18th November, 2016

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