

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.40903 of 2015

ORDER:

The prayer of the petitioner in this case is as under:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue an appropriate Writ, Order or Direction more particularly in the nature of Writ of Mandamus declaring the action of respondent No.5 and his subordinates calling the petitioner to the Police Station, detaining him from morning to evening and forcing, threatening to remarry respondent No.6, or to execute an Undertaking for Remarriage and on failure to do so, threatening the petitioner of implication in Non-Bailable Criminal Cases of various natures against the petitioner and his family members, thereby actively supporting respondent No.6 is being illegal, arbitrary and in violation of the Article 21 of Constitution of India and principles of natural justice and consequently direct the Respondent No. 5 and his subordinates not to interfere in life and liberty of the petitioner, by calling the petitioner to their office regularly basing on the false complaints filed by the respondent No. 6 to remarry her, and to pass such other order or orders as this Hon'ble Court may deem fit just and proper in the circumstances of the case.”

Sri Ali Farooq, learned counsel for the petitioner, would contend that the police authorities, acting at the behest of the unofficial respondent, called the petitioner to the police station, secured his signatures on blank papers and fabricated an undertaking to the effect that he would remarry the sixth respondent and started pressurizing him to do so.

The Inspector of Police, Neredmet Police Station, Cyberabad, denied these allegations in the counter-affidavit filed by him. Therein, he stated that after filing of the writ petition, the sixth respondent lodged a complaint, basing on which Crime No.56 of 2016 was registered under Section 498-A I.P.C. on the file of Neredmet Police Station. This registration was done on 25.01.2016 and investigation

was stated to have commenced therein. The other allegations leveled by the petitioner as to police interference and obtaining of signatures on blank papers were denied.

Though a reply-affidavit was filed by the petitioner rebutting the averments in the afore-stated counter-affidavit, this Court cannot decide such disputed questions of fact on the basis of mere affidavits.

As matters stand, the petitioner figures as an accused in Crime No.56 of 2016 registered on the file of Neredmet Police Station under Section 498-A I.P.C. He would necessarily have to be subjected to interrogation and examination in the context of the investigation of the said crime. He can therefore have no grievance with regard to the interference with his life and liberty in the course of such criminal investigation. Needless to state, the police authorities are bound to abide by the due procedure laid down in the Code of Criminal Procedure, 1973, while carrying out such investigation.

Subject to the above observation, the writ petition is dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

17th March, 2016
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