

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44888 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to declare the action of the 1st respondent police in entertaining the complaint submitted by the 4th respondent and proceeding to conduct counselling and compelling the petitioners to accept the illegal demands of the 4th respondent by putting threat of arrest, as arbitrary and illegal and consequently, direct the 1st respondent not to interfere with the personal affairs of the 1st petitioner basing on the complaint made by the 4th respondent.

2. Heard and perused the material available on record.
3. Case of the petitioners is that marriage of the 1st petitioner with respondent No.4 was performed in the year 2007 at Hyderabad. After the marriage, they put up their family at Anantapur, where they lived about 2 ½ years and later they shifted to Hyderabad and thereafter to Bangalore. Since the 1st petitioner is not in a position to bear the torture and cruelty of respondent No.4, he filed divorce O.P.No.1417 of 2016 on the file of the Judge, Family Court, Ranga Reddy District. Subsequently, respondent No.4 filed O.P.No.89 of 2016 before the Senior Civil Judge at Guntur, for restitution of conjugal rights by stating false averments. Thereafter, the 4th respondent made a complaint before the 1st respondent police station alleging that the 1st petitioner is harassing for additional dowry. Basing on the same, the 1st

respondent made a phone call to the 1st petitioner and asked him to appear on 17.12.2016 as they want to conduct counselling.

4. Learned counsel for the petitioners would submit that the 1st petitioner has already filed divorce O.P. and the same is pending; that even though the 1st petitioner informed that he is not interested for counselling, the respondent-police are troubling him to be present in the police station and further the petitioners apprehend that at any time the respondent-police may register a case and arrest them; that the petitioners are ready to co-operate with the investigation and that the arrest of the petitioners will cause prejudice and it is a stigmatic in their lives.

5. Learned Assistant Government Pleader for Home submitted that on the basis of the present complaint, a case was registered against the petitioners and respondent No.1 is investigating the matter in accordance with law.

6. Considering the facts and circumstances of the case and the case arising out of matrimonial dispute between the parties, the Writ Petition is disposed of directing the 1st respondent to complete the investigation, if any case is registered against the petitioners on the basis of the complaint given by the 4th respondent, without arresting the petitioners and to file final report in accordance with law. The petitioners are directed to appear before respondent No.1 and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) each with one surety for the like sum each for their appearance as and when required for the purpose of investigation.

7. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed. No costs.

JUSTICE RAJA ELANGO

22.12.2016
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Date: 22.12.2016

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