

HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition No.42211 of 2016

ORDER :

The Writ Petition is filed under Article 226 of the Constitution of India seeking to issue a writ or order, more particularly one in the nature of writ of *Mandamus* declaring the action of respondent-police in not closing Man Missing Case, registered in Crime No.424 of 2016, dated 25-08-2016 on the file of P.S. Kukatpally, on the basis of the complaint lodged by the mother of the petitioner herein, and not returning passport, cellphone and car, despite the petitioner present before them, as illegal and arbitrary and consequently, direct respondent-police to close Cr.No.424 of 2016, dated 25-08-2016 on the file of P.S. Kukatpally and further direct fourth, fifth and sixth respondents to pay damages for a sum of Rs.1,00,000/- each for causing mental agony to the petitioner.

The said complaint was lodged by the mother of the petitioner informing that her son is missing from the home, but the case of the petitioner is that he went out of the house on his own volition and married Ms.Archana. The said marriage is not agreed by petitioner's mother and since then, respondent-police are calling the petitioner and compelling the petitioner to divorce Ms.Archana. Hence, the present petition.

After perusal of the record and hearing the arguments, on 05-12-2016, this Court directed the petitioner to be present along with Ms.Archana. Today, the petitioner as well as Ms.Archana appeared before this Court and

the petitioner informed that he went out of the house on his own volition and that the question of investigating the crime No.424 of 2016 does not arise.

Considering the said facts and circumstances, the present F.I.R. in Crime No.424 of 2016 is hereby quashed.

It is further informed by the petitioner that his bank accounts were also freezed by respondent Nos. 5 and 6. The learned counsel appearing for the 5th respondent-bank informed that if an order is passed, they are ready to de-freeze the account.

In view of the above order passed by this Court, the order passed by the Investigation Officer to freeze the bank accounts of the petitioner is hereby set aside and the bank accounts stand in the name of the petitioner are hereby directed to be de-freezed and the petitioner is permitted to operate his bank accounts.

Accordingly, the writ petition is allowed. There shall be no order as to costs.

Consequently, Miscellaneous Petitions pending, if any, in the Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

21st December, 2016

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