

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.14554 of 2017

Order:

The petitioner states that his son was married to the fifth respondent on 13.11.2015 in TTD Kalyanamandapam, Kadapa. After marriage, his son took the fifth respondent to Bangalore, where he was working as a Software Engineer. There were serious differences between the fifth respondent and his son in the month of September 2016. The fifth respondent came to her parents house for some days. However, in September 2016 the fifth respondent lodged a complaint before the fourth respondent against the petitioner and his son and also against the elder brother of the petitioner and his son. Pursuant to the said complaint, the fourth respondent called the petitioner and others, against whom the allegations were made, to the police station. It is the case of the petitioner that only to drag the entire family, the complaint was lodged by the fifth respondent. However, the petitioner states that at the intervention of elders the fifth respondent withdrew the complaint and requested the fourth respondent not to take further action on the basis of the complaint. A copy of the said letter dated 30.10.2016 is filed along with the present Writ Petition. The son of the petitioner filed FCOP No.155 of 2016 and notices were served on the fifth respondent and the fifth respondent is contesting the case. The further case of the petitioner is that the fifth respondent and her parents came with a proposal to take the fifth respondent to the matrimonial home, but the petitioner states that they rejected such proposal. On such rejection, he states that the present complaint was lodged on 01.02.2017 directing the fourth respondent to pursue the earlier complaint lodged by the fifth respondent.

The fourth respondent then called the petitioner and others on 02.02.2017 and advised them to settle the matter. In view of pendency of FCOP No.155 of 2016, they were not willing to settle the matter. It is also the case of the petitioner that in view of harassment meted out by the respondents 3 and 4 earlier they filed W.P.No.5189 of 2017 on 13.02.2017 and, when the fifth respondent complained to the third respondent, the third respondent directed the fourth respondent to register a complaint. Accordingly, the complaint was registered on 18.02.2017, challenging which the present Writ Petition is filed.

Learned counsel for the petitioner submits that though there is delay of more than three (3) months, without conducting any preliminary enquiry, the present complaint was registered. He further submits that the son of the petitioner was arrested on 18.02.2017 and was released on bail and the elder brother of the petitioner and his son obtained anticipatory bail on 19.04.2017. He submits that the petitioner too filed Criminal Petition No.2989 of 2017, but this Court dismissed the same on erroneous consideration of facts and law. He further submits that the fifth respondent never resided in the house of the petitioner and there is no scope for his misbehaviour.

A reading of the complaint discloses the earlier complaint lodged by the fifth respondent on 12.09.2016, settling the matter and sending the fifth respondent to the matrimonial home at Bangalore. The fifth respondent states that she went there along with her mother and her mother returned after ten days. The complaint gives graphic description of the sexual advances made by the petitioner against his daughter-in-law, the fifth respondent and the fifth respondent states that her husband used to harass her, since she did not yield to the sexual advances of the

petitioner. A reading of the complaint discloses a *prima facie* case against the petitioner. As per the affidavit filed by the petitioner, his Criminal Petition No.2989 of 2017 was already dismissed by this Court. After dismissal of the said Criminal Petition, he filed the present Writ Petition. In view of the nature of allegations made against the petitioner in the complaint and also in view of the dismissal of Criminal Petition by this Court on criminal side, this Court is not inclined to entertain the present Writ Petition.

The Writ Petition is, accordingly, dismissed at the admission stage. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions pending in this Writ Petition, if any, shall stand closed.



---

A. RAMALINGESWARA RAO, J

Date: 21.04.2017  
Nsr