

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.5992 of 2013

ORDER:

Heard Ms.Sumathi for the petitioner and the Assistant Government Pleader for Home.

2. The petitioner prays for the following relief :

“to issue a writ of *Mandamus* or any other appropriate writ, order or direction declaring the action of the respondents in interfering with the personal liberty of the petitioner and his family members without there being any cause or complaint and summoning the petitioner and his family members and detaining them in the 2nd respondent police station as illegal, arbitrary, unjustified and also in violation of Article 21 of Constitution of India and for a consequential relief to direct the respondents not to interfere with the personal liberty of the petitioner and his family members without following the procedure contemplated under law.”

3. On receipt of notice, the 2nd respondent filed counter-affidavit and has explained in detail the circumstances relating to the registration of a crime against the petitioner and it is further stated that the 2nd respondent, if circumstances warrant, would proceed against the petitioner in the pending complaint in accordance with law.

4. The counsel for the petitioner requests the Court to place the statement of the 2nd respondent on record and pass appropriate orders.

5. The statement of the 2nd respondent is placed on record, which reads as follows :

“It is pertinent to submit that till date, this respondent did not summon either the petitioner or his family members. Prior to the filing of the writ petition, no case whatsoever is registered against the petitioner and his family members. But subsequently on 9.3.2013, the 3rd respondent who is the wife of the petitioner herein had approached this respondent police station and lodged a specific cognisable complaint against the petitioner and his family and hence this respondent is proceeding with the same in accordance with law. As a precautionary measure, to prevent the police from taking any action in the event of lodging any complaint, the petitioner filed the present writ petition with baseless allegations. It is pertinent to submit that now the petitioner and his family members who are shown in the FIR are required in connection with the above case and that this respondent will take necessary action against them basing on the outcome of the investigation. Hence the writ petition is devoid of any merits.”

6. In view of the reply and further assertion that the 2nd respondent would proceed against the petitioner **only** in accordance with law, the Writ Petition is dismissed. No order as to cost.

7. Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 19-04-2017

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