

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.18489 of 2017

ORDER:

Heard both sides. With the consent of both parties the writ petition is disposed of at the admission stage.

2. The present writ petition came to be filed seeking issuance of writ of Mandamus declaring the action of respondents in calling the petitioner to the police station and threatening to give away the custody of his son Saketh Sastha, aged about 7 years, to the third respondent, as illegal and arbitrary.

3. Though no counter is filed, learned Government Pleader for Home, denies the interference of the police with regard to custody of the child. Further, she places before the Court, the written instructions received from the second respondent stating that a case in Crime No.110 of 2016 came to be registered for the offences punishable under Sections 498-A, 313, 354, 323, 384, 342 read with Section 34 of IPC and Section 3(2)(va) of SC/ ST (POA) Act and investigation is going on. The said crime has nothing to do with the dispute in question.

4. Having regard to the statement made that the police are not interfering with the dispute in issue, the writ petition is disposed of directing the respondent police not to interfere with the dispute in question, without following due process of law. Further, if the respondent police intend to take any action against the parties, the same shall only be in accordance with the procedure established by law. No costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

21.06.2017
vnb

