

HON' BLE SRI JUSTICE M. SATYANARAYANA MURTHY

WRIT PETITION No.15309 of 2017

ORDER:

This writ petition is filed to declare the action of the 2nd and 3rd respondents in attempting to arrest the petitioners without registering any crime against them and subjecting them to harassment, as illegal, unjust and arbitrary.

The grievance of the petitioners is that the 2nd respondent – Station House Officer, Gandala Police Station, Jangaon District, is calling them to the police station without registering any crime for any of the offences, much less cognizable offences, and insisting them to roam around the police station and, such conduct of the 2nd respondent amounts to infringement of right guaranteed under Article 21 of the Constitution of India and, therefore, sought the above direction.

Learned Government Pleader for Home submitted that a complaint was received on 12.02.2017 from the wife of the 1st petitioner regarding matrimonial dispute and, in terms of the guidelines issued by the Apex Court, counselling is being conducted and, therefore, the petitioners were asked to appear before the police for counselling only, but not otherwise.

In view of the above submission, the question of arrest of the petitioners does not arise and the apprehension of the petitioners

that they are likely to be arrested in connection with cognizable offence is misconceived. However, the petitioners are bound to appear before the Committee constituted by the police for counselling in terms of the guidelines issued by the Apex Court. In the event of registering any crime, the police shall follow the procedure under Section 41A of Cr.P.C. and the guidelines issued by the Hon'ble Apex Court in *Arnesh Kumar v. State of Bihar*¹.

With the above directions, the Writ Petition is disposed of.
No costs.

Miscellaneous petitions, if any pending in this petition, shall stand closed.

11-05-2017
v v/ prv

M. SATYANARAYANA MURTHY, J



¹ (2014) 8 SCC 273