

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.37456 of 2012

ORDER:

Heard learned counsel for petitioners, Assistant Government Pleader (Home) and Sri V.Ramakrishna Reddy for respondents 5 and 6.

The petitioners pray for Mandamus declaring the action of respondents 1 to 4 in calling them to Women Police Station, Saroomagar and Volligonda Police Station, Nalgonda District, counselling the petitioners and thereby harassing the petitioners at the instance of respondents 5 and 6, as arbitrary, illegal and unconstitutional.

The gist of petitioners complaint is that there is no FIR registered against the petitioners in any of the police stations and consequently in respect of alleged civil or family dispute the summoning of petitioners, trying to counsel them etc., is arbitrary, illegal and unconstitutional.

The 3rd respondent filed counter affidavit and has categorically denied the allegations made by petitioners against respondents 1 to 4. The stand of 3rd respondent is reproduced hereunder :-

“In reply to para No.3 of the affidavit, it is respectfully submitted that the allegation of the petitioner that the respondent No.5 with the help of her father who is respondent No.6 MLA are

influencing the respondent Nos.1 to 4 and accordingly, this respondent is calling the petitioners to the police station and pressurizing them to re-partition the P&T Colony house and agricultural land at Chittapur Village is false, baseless and hence the same is denied. The allegation of the petitioner that the respondent No.6 who is an MLA using his influence and instigating this respondent for harassing the petitioners and upon which this respondent summoned the petitioners to the police station and harassing them for no reason is false, baseless and hence the same is denied. The allegation of the petitioner that this respondent is calling the petitioners in the name of counseling and harassing them with the instigation and influence of the 6th respondent is absolutely false, baseless and hence the same is denied.

It is respectfully submitted that as of now, no complaint whatsoever is received or registered against the petitioners herein on the file of Valligonda Police Station, Nalgonda District and hence summoning them to the police station does not arise. It is submitted that the dispute between the petitioners as well as the unofficial respondents herein is purely family and civil disputes which are no way concerned with the respondent police. It is submitted that in the absence of registration of any case against the petitioners herein, calling them to the police station does not arise. It is submitted that till date, this respondent never sent any of the constables to summon the petitioners.”

Sri V.Ramakrishna Reddy representing respondents 5 and 6 submits that there are no bonafides in the writ petition and as matter of fact, a civil suit is pending between petitioners and 5th

respondent before Additional District Judge, Bhongir. Be that as it may, the scope of the writ prayer is confined to a very limited grievance.

The 3rd respondent has stated that the respondents did not in fact call the petitioners for any of the purposes as stated in the writ affidavit. Further, the respondents are also admitting that unless and until an FIR is filed against petitioners or petitioners are required for investigation in any crime, they cannot be summoned to station atleast any counseling can be given.

By placing on record the stand of respondents, the writ petition is disposed of accordingly. No order as to costs.

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

Dt: 03-02-2017
Prv



S. V. BHATT, J

