

HONOURABLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No. 2672 OF 2016

ORDER:

This is a writ of mandamus filed by the petitioner seeking a direction to the respondents 1 to 4 to protect the life and liberty of the petitioners.

2. The petitioner filed an affidavit stating that she is a widow and permanent resident of Warangal. She has immovable properties at Warangal and she is in exclusive possession and enjoyment thereof. She has a son and three daughters, who are married and living at different places. Her son married to sixth respondent, who is the daughter of fifth respondent. They were blessed with two children and living at Nachaaram, Hyderabad. The sixth respondent has lodged F.I.R.No.366 of 2005 against her son alleging the offence punishable under section 498-A of I.P.C. and the Police have filed charge sheet against him and numbered as C.C.No. 1037 of 2007, and the case had ended in compromise. The respondents 5 and 6 have developed hostility towards the petitioner and demanding properties from her. She stated them that they are self-acquired properties and her son has no claim or right over her properties. The respondents 5 and 6 demanded for partition of the properties and threatening her to kill and occupy the properties. They filed a suit in O.S.No. 1 of 2016 on the file of

the Court of Junior Civil Judge, Warangal and obtained permanent injunction on 04/01/2016 in I.A.No. 2 of 2016. In spite of the injunction orders, the respondents 5 and 6 are interfering in her possession and enjoyment. The respondents 5 and 6 along with the family members, and two constables and 150 to 200 anti-social elements came to her residence and attacked her, her daughter, son-in-law and the children and ransacked her. Respondent No.6 tried to strangle her with a saree and under threat of killing her they obtained her signatures on the memorandum of understanding, as if she is parting with some of her property in favour of children of respondent No.6. It is alleged that police personnel encouraged the crime, by supplying criminals to trespass and damage her property. The mob came with two petrol cans and chilly powder and they attacked the engineering students. She had sent a complaint through e-mail to the Police.

3. The learned Assistant Government Pleader submits that Police have not received any complaint through e-mail from the petitioner. If any complaint is received by them they would have taken action in accordance with law.

4. On consideration of arguments of both sides and on the perusal of the material on record, it is obvious that there are grave allegations made by the petitioner against the police and several others. The police have not received any complaint from the petitioner. The petitioner is a widow alleged to have been attacked by police and some other anti-social elements at the

instance of respondent No.6. The petitioner states in her affidavit that she had forwarded a complaint by e-mail also but the police say that they have not received any complaint. It is obvious that the complaint was against police and others, therefore, there is every possibility of police not considering the complaint of the petitioner. She being a widow did not exhaust the remedy of lodging a private complaint against the concerned under section 200 Cr.P.C., as the Police Officer did not receive the complaint. However, in the light of facts and the rival contentions, the respondent No.2 is directed to consider her complaint if already sent by mail by her. In case, if she has any grievance even now she may lodge another complaint, pertaining to the said incident, and the police are directed to receive the same, as per the provisions under section 154 as provided under law and act upon it accordingly.

5. With the above direction, this writ petition is disposed of.

No costs.

6. As a sequel, miscellaneous petitions if any, pending in this writ petition stand closed.

JUSTICE GUDISEVA SHYAM PRASAD.
24/04/2018

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