

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.8859 of 2018

ORDER:

In this Writ Petition, under Article 226 of the Constitution of India, the grievance of the petitioner is with regard to the action of the respondents 3, 4 & 6 in interfering with civil matters related to the family property of the petitioner and to declare the said action of the said respondents as illegal and violative of Article 21 of the Constitution of India.

2. I have heard the submissions of Sri *B.Suresh*, learned counsel appearing for the petitioner, and of the learned Government Pleader for Home (Telangana) appearing for the respondents 1 to 6. I have perused the material record.

3. Learned counsel for the petitioner, while reiterating the pleadings in the writ petition, would submit that the police, having registered a case in Crime No.161 of 2017 for man missing on the complaint of the 7th respondent, who is the sister-in-law of the petitioner, which was referred by a Court of the learned Magistrate, are interfering with the matters of the civil nature related to the property of the family of the petitioner and that he is in no way responsible for the missing of his brother, i.e., the husband of the 7th respondent and that in view of the action of the police contrary to the procedure established by law, the present writ petition is filed.

4. Learned Government Pleader, on written instructions, which are placed on record, would submit that the learned Magistrate, having received a private complaint from the 7th respondent, referred the same to the police and that on that the instant crime was

registered for man missing on 21.06.2017 and that investigation is taken up and that a perusal of the complaint, which was forwarded by the learned Magistrate, would disclose that the complainant is suspecting the petitioner, who is the brother of her husband, as the person responsible for the missing of her husband and that to divert the attention of the Investigating Agency, the present writ petition is filed with false and invented allegations and that the police are not interfering with any civil matters related to the property of the family of the petitioner, but they are only investigating into the crime registered, by following the procedure established by law.

5. Recording the submissions, the Writ Petition is disposed of directing the police not to interfere with the civil dispute/matter related to the property of the family of the petitioner and not to call the petitioner to the police station unless his presence is required for interrogation in the afore-stated crime. However, it is made clear that while investigating into the afore-stated crime, the police shall follow the procedure established by law. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

M.SEETHARAMA MURTI, J

Date: 23rd March, 2018

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