

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.10301 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim the following relief:

“.. to issue an order, direction or writ particularly one in the nature of writ of mandamus or any other appropriate writ declaring the action of the 3rd respondent police in interfering with the peaceful life of the petitioner's and his family members under the guise of investigation in Crime No.28/2017 under Section 498-A r/w. 34 IPC, and Sections 3 and 4 of Dowry Prohibition Act, as illegal, arbitrary, unjust and in violation of Article 21 of the Constitution of India and consequently direct the 3rd respondent police not to interfere with the peaceful life of the petitioner and his family members and pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.”

2. I have heard the submissions of the learned counsel for the petitioner and of the learned Government Pleader for Home (Telangana) appearing for respondents 1 to 3. I have perused the material record.

3. At the hearing, learned counsel for the petitioner would submit that the first accused in Crime No.28/2017 is the brother of the petitioner and he is staying in foreign country; that the petitioner and some other accused in the crime obtained bail orders; that they are cooperating with the Investigating Officer; that despite the said fact, the respondent - police are interfering with the peaceful life of the petitioner and his family members, and insisting upon him to give a report that his brother is missing; and, that therefore, the present writ petition is filed.

4. Learned Government Pleader for Home, on written instructions, a copy of which is placed on record, would submit that no such insistence for giving a complaint, as stated by the petitioner, was ever made by the police officer concerned; that investigation into the crime is completed; that the first accused, who is the husband of the complainant, is absconding; that after completion of investigation into the case, charge sheet was also filed before the Court of law i.e., the Judicial Magistrate of First Class, Shadnagar, and that a Calendar Case in C.C.No.110 of 2018 was taken on file; that the petitioner and other accused are facing trial in the said Calendar Case; that except conducting investigation into the case, as per the procedure established by law, no other action was taken and no interference was caused to the petitioner's peaceful life; and, that the writ petition is filed with false allegations.

5. Recording the submissions, the writ petition is disposed of directing the third respondent not to call the petitioner to the police station, as Calendar Case is already taken on file, however, unless his presence is required in connection with any other crime registered in accordance with the procedure established by law. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M. SEETHARAMA MURTI, J

Date: 11.04.2018

Note: Issue CC in three days

B/o

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