

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.10561 of 2018

ORDER:

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

“For the reasons stated in the accompanying affidavit, it is, therefore, prayed that the Hon’ble Court may be pleased to pass a writ or direction in the nature of writ, more particularly a writ of mandamus, declaring the action of the respondent no.3 in summoning the petitioners herein without following the due process of law, as being illegal, void and violative of Article 14 of the Constitution of India, therefore, restrain the respondent no.3 from calling the petitioners herein for any reason whatsoever, without following the due process of law and pass such other order or orders as the Hon’ble Court may deems fit and proper in the circumstances of the case.”

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

3. At the hearing, learned counsel for the petitioners would submit that the 5th petitioner and the 4th respondent are wife and husband; that between them, matrimonial cases are pending; that on the complaint lodged by the wife, a case in Crime No.196 of 2017 was registered on 16.10.2017 by the Women Police Station, Begumpet, Hyderabad, for the offences punishable under Sections 498-A & 506 of Indian Penal Code, 1860, and Section 6 of the Dowry Prohibition Act, 1961; that a domestic violence case is also filed by the petitioners and it is also pending; that the Police are interfering in matrimonial matters and are repeatedly calling the

petitioners, who are related to the 4th respondent and also the neighbours unnecessarily to the Police Station and are harassing them and, 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 the 4th respondent herein filed a private complaint, on the file of the Court of the learned I Additional Judicial Magistrate of First Class, Warangal, and that on a reference made by the Court, a case in Crime No.5 of 2018 was registered, on 02.01.2018, for the offences punishable under Sections 143, 448, 323, 427 & 506 read with 149 of Indian Penal Code, 1860, and Section 156(3) of Code of Criminal Procedure, 1973, against the 5th petitioner and 7 others and investigation is taken up.

5. Having regard to the facts and submissions, the Writ Petition is disposed of directing the respondents 2 & 3 not to call the petitioners to the Police Station, except in connection with the investigation into the afore-stated case in Crime No.5 of 2018, that too without following 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: 10th April, 2018

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