

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.15982 of 2018

ORDER:

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

“For the reasons stated in the affidavit, filed in support of writ petition, the petitioner herein prays that the Hon’ble High Court may be pleased to issue a Writ, order or direction, more particularly one in the nature of WRIT OF MANDAMUS, declaring the proceedings, Pr.No.23/2018 transferring the Crime No.144/2017 to the 4th respondent police station for further investigation and the consequential proceedings, No. 157/Cr/VPRM/RAC/2018, notice U/Sec.91/160 C.R.Pc issue by the 4th respondent dated:16.03.2018 as illegal, arbitrary, without notice, contrary to the provisions of the Criminal Procedure Code and violative of Article 14 and 21 of the Constitution of India and consequently set aside the same by directing the respondents to conduct the investigation at Ambagipeta P.S or any other place nearer to the residence of the petitioner and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

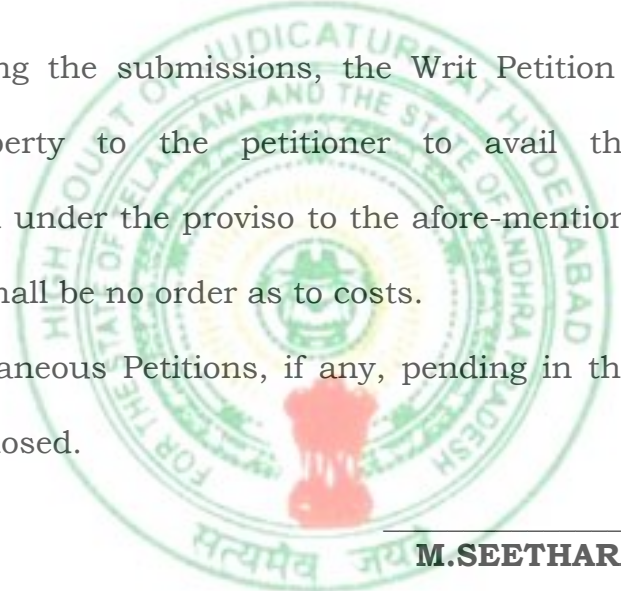
2. I have heard the submissions of Sri *G.Tuhin Varma*, learned counsel appearing for the petitioner, and of the learned Government Pleader for Home (A.P.), appearing for the respondents 1 to 4. I have perused the material record.

3. At the hearing, learned counsel for the petitioner submits that in view of the serious allegations made in the complaint of the petitioner, which led to the registration of the crime, the petitioner is not in a position to attend the Police Station in response to the

notices being issued by the Investigating Officer either under Section 91 or Section 161 of the Code of Criminal Procedure, 1973, and that the petitioner apprehends danger, in the event she attends the Police Station, in view of the conduct and character of her husband and that she is also having a mentally retarded child and, therefore, the present writ petition is filed. Learned counsel for the petitioner further submits that in view of the proviso to Section 160 of the Code of Criminal Procedure, 1973, the writ petition may be disposed of reserving liberty to the petitioner to seek exemption as per the provision of the said proviso.

4. Recoding the submissions, the Writ Petition is disposed of reserving liberty to the petitioner to avail the remedy, as contemplated under the proviso to the afore-mentioned provision of law. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.



M.SEETHARAMA MURTI, J

Date: 30th April, 2018

KL



THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI



WRIT PETITION No.15982 of 2018

Date: 30th April, 2018

KL