

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.22206 of 2018

ORDER:

This writ petition is filed under Article 226 of the Constitution of India to declare the action of the respondents 3 and 4 in calling the petitioner to their office and threatening to implicate in criminal case of various natures thereby regularly detaining the petitioner without assigning any reason and without following due process of law as illegal.

2. Heard learned counsel for the petitioners, learned Assistant Government Pleader for Home and perused the record.

3. Learned counsel for the petitioners submits that in case of crimes arising out of matrimonial disputes, the respondents have to follow the law laid down by the Apex Court in **RAJESH SHARMA AND OTHERS V STATE OF U.P. AND ANOTHER**¹. It is also contended that the respondents are harassing the petitioner.

4. On the other hand, learned Assistant Government Pleader for home produced written instructions stating that basing on the complaint of the wife of the petitioner, the petitioner was called to appear for counseling on 18.06.2018 as there are holidays on 16.06.2018 being Ramzan and 17.06.2018 being Sunday. But, the petitioner did not attend for counseling. When the respondent tried to call on telephone, he did not respond. On 27.06.2018 a message was sent to the petitioner to attend for counseling, but he did not attend.

¹ 2017(2) ALD (CRL.) 568 (sc)

5. In view of the same, the respondents are directed to follow the guidelines laid down by the Apex Court in para 19 of the judgment in *Rajesh Sharma's* case (cited supra).

6. With the above direction, the writ petition is disposed of. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

A.RAJASHEKER REDDY,J

DATED: 09-07-2018

Hsd



