

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.22154 of 2018

ORDER:

The petitioner alleges interference of respondent-police in the matrimonial disputes pending between the petitioner and the 5th respondent and threatening the petitioner to give custody of his children to the 5th respondent.

Learned Assistant Government Pleader for Home produced written instructions stating that basing on the complaint lodged by the 5th respondent, a case in Cr.No.182 of 2018 was registered for the offences punishable under Sections 498-A IPC and Sections 3 and 4 of Dowry Prohibition Act against the petitioner. Though the investigating Officer tried to serve notice under Section 41-A Cr.P.C. on the petitioner, he evaded to receive the same. It is stated that after finalizing the investigation, appropriate report would be filed. The respondent-police never interfered with the matrimonial disputes of the petitioner and the 5th respondent and never threatened the petitioner by calling him to the police station. It is also stated that except registering the above crime, the respondent-police did not interfere with the matrimonial disputes.

Since the issue pertains to matrimonial dispute, the respondent-police have to follow the guidelines laid down by the Apex Court in **Rajesh Sharma v. State of U.P.**, (Crl.A.No.1265 of 2017, dated 27-07-2017 (SLP (Crl.No.2013 of 2017) before

taking any further action and they shall not interfere with the custody of the children.

With the above observations, the writ petition is disposed of. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

06-08-2018
Nvl

A.RAJASHEKER REDDY,J



