

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.22739 of 2018

ORDER:

This writ petition is filed aggrieved by the action of the respondents 4 and 5 in threatening the petitioner for his arrest and calling him to the police station without there being registration of any crime against him.

Learned Assistant Government Pleader for Home produced written instructions stating that respondent No.8 has given complaint to respondent No.3 against the petitioner stating that he is harassing her and not leading matrimonial life. Respondent No.3 has forwarded the same to respondent No.4 for conducting family counselling. Respondent No.5 called the petitioner for family counselling, but he did not turn-up. On that respondent No.5 sent notice under Sections 91 and 160 Cr.P.C. to the petitioner, but he has not responded to the notice. As such, respondent No.5 has deputed respondents 6 and 7 to serve a copy of notice to the petitioner. But the petitioner refused to take the notice and filed the present writ petition.

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 (Cr1.No.2013 of 2017) and also **Arnesh Kumar v State of Bihar**¹, if offence is punishable less than seven years.

¹ 2014 (8) SCALE 250

In view of the same, the writ petition is disposed of directing the respondent-police to follow the guidelines laid down by Apex Court in **Rajesh Sharma** and **Arnesh Kumar's** cases as stated supra.

Learned counsel for the petitioner says that there is threat to the petitioner from respondents 3 and 5 and her relatives, if that is so, the petitioner can make complaint to the respondent-police. On receipt of such complaint, the respondent-police are directed to take action in accordance with law.

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

23-07-2018
Nvl

A.RAJASHEKER REDDY,J





