

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.27674 OF 2018

ORDER :

This writ petition is filed seeking writ of mandamus declaring the action of the 5th respondent in interfering with the petitioner's personal liberty/family dispute and in not taking any action on the petitioner's representations dated 28.06.2018 and 01.08.2018 to provide protection, as illegal and arbitrary and for a consequential direction to the respondents 2 to 5 to provide protection to the petitioner and her son.

This Court allowed I.A.No.2 of 2018 on 13.08.2018, by virtue of which, the 6th respondent was impleaded in the main writ petition.

Counter affidavit is filed by the 6th respondent stating that petitioner is her mother-in-law and that the marriage of the petitioner's son with the 6th respondent was performed on 03.03.2018. Thereafter they lived happily for some time, but, later the petitioner and her son have started demanding dowry and started harassing her. Due to constant demand of dowry and harassment made by the petitioner without considering the financial status of her family and health condition of her father, out of stress, she was dehydrated and admitted in KGH Hospital on 17.04.2018. Thereafter, the 6th respondent reached her native place on 21-04-2018 and the elders of the 6th respondent came to Hyderabad in May, 2018 and again on 18.05.2018 to resolve the matter amicably, however the petitioner insulted, humiliated and degraded the 6th respondent by abusing in filthy language. On

01.06.2018, she went to Hyderabad, to reside with her matrimonial house, but having found the flat locked, she called the petitioner stating that she arrived in Hyderabad, but the petitioner informed her that she was outside on some work. As such, the 6th respondent spent the entire day on 01.06.2018 without food, shelter nor any means to meet basic necessities. On 02.06.2018 the petitioner reached the flat in the afternoon, but did not allow her into the house. Thereafter on the same day the petitioner and her son left the flat for an undisclosed location without informing their whereabouts, taking away AC remote, TV Cord, and some important documents and handed over the keys to the watchman. She denied the allegation that she came to the flat with her friends on 29.07.2018. This respondent gave complaint on 10.07.2018, narrating the entire facts and the same was registered as FIR No.367/2018, dated 10.07.2018 on the file of PS, Nampally, Hyderabad, under Section 498 A IPC r/w Section 3 and 4 of the Dowry Prohibition Act. It is also stated that the petitioner by suppressing all the aforesaid facts filed representation dated 01.08.2018 before the 2nd respondent alleging that the 5th respondent has not taken further action on her representation dated 28.06.2018. It is further stated that in pursuance to registration of Case in Crime No.367/2018, wherein petitioner was shown as Accused No.2, apprehending her arrest, she filed WP.No.2465/2018 making untenable and fabricated averments without impleading this respondent. Therefore, she sought for dismissal of this writ petition.

Learned Assistant Government Pleader for Home produced written instructions stating that petitioner made complaints on 28.06.2018 and 01.08.2018 with respondent No.5 stating that she is the owner and possessor of the subject flat; and that her daughter-in-law (6th respondent) is obstructing her and her family members in entering into the said flat. It is also stated that pursuant to the said complaint, the 5th respondent enquired into the said complaint which revealed that there was a family dispute between the petitioner and her daughter-in-law with regard to the subject flat and that as the issue involved family dispute, no FIR was registered. He submits that the respondent made an entry into the General Diary and also informed the same to the petitioner by way of notice which was acknowledged by the petitioner on 08.08.2018. The allegations that the 5th respondent interfered with the life and liberty of the petitioner and the family disputes, were all denied. It is also stated that the 5th respondent only enquired into the complaint of the petitioner, but never interfered with the family disputes and life and liberty of the petitioner at any point of time.

Heard learned counsel for the petitioner, learned Assistant Government Pleader for Home appearing for respondents 1 to 5 and Sri D.A.Premchand, learned counsel for 6th respondent.

Learned counsel for the 6th respondent submits that the writ petition should not be disposed of stating that any order passed in this Writ Petition will effect the investigation, to be conducted by the 5th respondent.

In this case it is to be seen that the only grievance of the petitioner is that the respondent police are interfering with the life and liberty and also family disputes of the petitioner with 6th respondent.

Learned Assistant Government Pleader for Home produced written instructions dated 13.08.2018 submitted by the 5th respondent stating that the complaint of the petitioner was enquired into and denied his interference in family dispute. It is not known as to how the order passed in the Writ Petition will influence the investigation and on what basis, the learned counsel for the 6th respondent is making such assertions. Therefore, such assertions of the learned counsel for the 6th respondent are without any basis.

In view of the aforesaid facts and circumstances, recording the written instructions of the learned Assistant Government Pleader, the writ petition is disposed of directing the respondent police not to interfere with the life and liberty of the petitioner and family disputes/civil disputes regarding subject flat, except in accordance with law. However it is open for the petitioner to avail alternate remedies available to the petitioner if she is still aggrieved. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

04.09.2018
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Date: 04.09.2018

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