

HON'BLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.12550 of 2013

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents.

2. The prayer sought in the writ petition is as under:

"For the reasons stated in the accompanying affidavit, it is hereby prayed that this Court may be pleased to issue a writ, order or direction more particularly in the nature of writ of mandamus declaring the action of the Respondents 4 and 5 in not releasing Smt. R. Peramma in spite of representation dated 18.4.2013 made by the petitioner without any reasons, case or charge as illegal, arbitrary and violation of Fundamental Rights and also violation of Article 21 of the Constitution of India and consequently direct the respondents to release Smt. R. Peramma forthwith and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

3. The specific case of the petitioner in the writ petition is that he is the nephew of one Smt. R. Peramma. On 18.04.2013 at 1 a.m., the respondents 4 and 5 and others came to the house of the said Smt. R. Peramma and picked up her and taken her to the Station on the ground that she gave a complaint against the respondents 4 and 5 before Lokayukta. On the same day at 8 a.m., when the petitioner and others went to the police station and enquired, the 5th respondent gave reckless answers. On the same day at about 2 p.m. the petitioner and others approached the third respondent by submitting a representation stating that the respondents 4 and 5 without any complaint or the case against the said Smt. R. Peramma wrongfully confined her in the Station. Therefore, the present writ petition is filed.

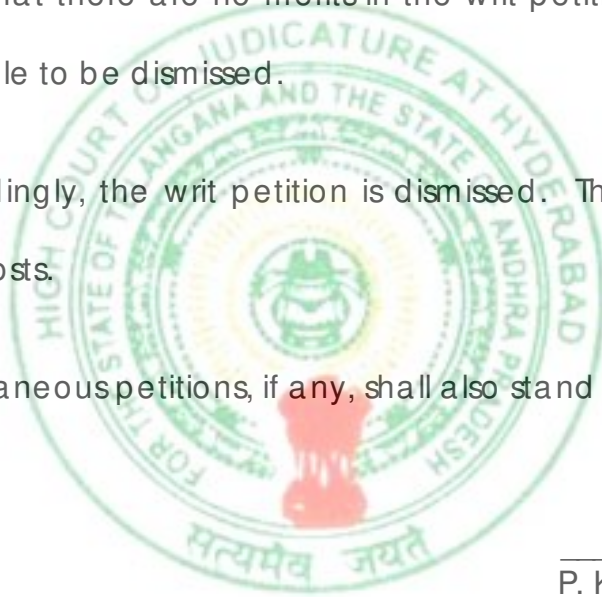
4. The 5th respondent filed counter affidavit denying the material allegations made against the respondents in the affidavit

filed in support of the writ petition and contended *inter alia* that the said Smt. R.Peramma was never picked up by the respondents 4 and 5 on 18.04.2013. It is specifically stated in the counter affidavit that three crimes have been registered against the said Smt. R. Peramma, out of which two cases are pending trial. In one crime, the said Smt.R. Peramma is absconding.

5. Though a counter affidavit has been filed, no reply affidavit is filed rebutting the material allegations made in the counter affidavit. Therefore, in the absence of any material, this Court is of the opinion that there are no merits in the writ petition and the writ petition is liable to be dismissed.

6. Accordingly, the writ petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, shall also stand dismissed.



P. KESHA VA RAO, J

Date:05.12.2018
ccm

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