

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No.1327 of 2016

ORDER :

This writ petition is filed by the petitioner seeking a *Writ of Mandamus* for declaring the action of respondent Nos.3/4 in calling the petitioner to the police station and taking his signature on a blank white paper, captioned as 'Pabandhinama Patram', dated 01.12.2015, thereby threatening him to deposit a sum of Rs.1,00,000/- with him, otherwise threatening the petitioner and his family members to face dire consequences, as arbitrary and illegal, and consequently, sought a direction to respondent No.3/4 not to call the petitioner to the police station and threaten him to deposit the amount with his office and also not to interfere with his personal liberty.

The petitioner is a resident of Dharmapuri Village and Mandal, Karimnagar District. He has a wife and three sons, and he is eking out his livelihood by doing cooli work. One Laxmi was also attending to cooli work along with him. While so, on 01.12.2015, respondent No.3 – C.I. of Police, Dharmapuri Circle, Karimnagar District (also arrayed by name as respondent No.4) took the petitioner to the Police Station and forcibly obtained his signature on a white paper, captioned as 'Pabandhinama Patram', wherein it was stated that he married one Laxmi, D/o.Mallesham, and due to the

differences between them, both of them have obtained customary divorce and that he agreed to pay a sum of Rs.1,00,000/- to her on 20.12.2015. Therefore, respondent No.3/4 is insisting him to abide by the said 'Pabandhinama Patram', dated 01.12.2015, and pay Rs.1,00,000/- to the said lady.

Heard learned counsel for the petitioner as well as the learned Assistant Government Pleader for Home appearing for the respondents and perused the material on record.

The learned Assistant Government Pleader for Home submits that the respondent – police authorities have not filed any counter affidavit nor any document denying the averments in the writ petition. It is further submitted that the respondent – police would not involve in such activities directing the petitioner to deposit the amount by virtue of 'Pabandhinama Patram', as mentioned above and hence sought for dismissal of the writ petition.

On consideration of the averments in the affidavit filed by the petitioner and the contents of 'Pabandhinama Patram', it is obvious that the respondent – police authorities ought not to have insisted the petitioner to pay a sum of Rs.1,00,000/- to Ms. Laxmi, who is alleged to be the wife of petitioner, by virtue of the settlement that took place between them. On the other hand, the petitioner denies his

relationship with Ms. Laxmi as wife, except stating that he knows her as a co-worker. Further, Ms. Laxmi is neither a party in this writ petition nor there is material evidence that she is the wife of the petitioner, except the said 'Pabandhinama Patram', which appears to be an agreement between the parties for dissolution of marriage. Whether it is a genuine and authenticated document or not is a question of fact. Even otherwise, the police are not having any power or authority to insist the petitioner to pay Rs.1,00,000/- under the said document. If really there was any agreement viz., 'Pabandhinama Patram', pursuant to the marriage said to have been solemnized between the petitioner and Ms. Laxmi, the said Laxmi might seek appropriate remedy before the competent civil Court, but it cannot be placed before the police and ask for its execution, as the police have no jurisdiction or authority to interfere in family and civil matters.

Learned counsel for the petitioner submitted that the petitioner is apprehending that the police may interfere in the civil matters between the petitioner and his alleged wife - Ms. Laxmi.

In view of the apprehension expressed by the learned counsel for the petitioner, this writ petition is disposed of directing the respondent – police authorities not to interfere in

the civil disputes between the petitioner and his alleged wife -
Ms. Laxmi. No order as to costs.

As a sequel, miscellaneous petitions pending, if any,
shall stand closed.

GUDISEVA SHYAM PRASAD, J

17.04.2018.
Msr



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