

HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.38608 of 2018

ORDER:-

When the matter is taken up, the written instructions furnished by the Station House Officer, Dharpally Police Station, Nizamabad District, dated 05.11.2018, are placed on record by the learned Government Pleader. The said instructions read as under:-

“In the report, the petitioner stated that he is working as a pastor in Agape Church, Dubba. Though he did not perform the marriage of one Smt.Swapna with Sreekanth and not responsible for the aftermath of the said marriage, he was made as a scapegoat and the said Swapna while registering FIR No.345/2017, under Sections 313, 420 and 498-A I.P.C., dated 06.11.2017, on the file of Armoor PS., Nizamabad District, against her husband and in-laws also made him as accused No.7 in the said crime, thereby his image tarnished and he was put to untold misery. Hence, requested for action against Swapna and her father at whose instance FIR No.345/2017 was registered against him.

It is submitted that during the course of enquiry, it is revealed the subject matter subject matter of the petitioner's report relates to performance of marriage between Swapna and Sreekanth. Further, the said Swapna filed a complaint against the petitioner at Armoor PS., vide FIR No.345/2017 under Sections 313, 420 and 498-A I.P.C., and Section 4 of the D.P.Act, dated 06.11.2017, wherein she alleged that the petitioner performed her marriage with the custom of Christian, he did not sign on the certificate, and he made one Pastor Praveen, made signed on the certificate, since the date of her marriage, the said pastor Ramesh John had been harassing her by cheating her and supporting her husband's family. The Pastor Ramesh John after informing the registration of crime, made her husband

flew to Saudi Arabia. In the said crime, the petitioner herein i.e., Pastor Ramesh John is accused No.7. The Armoor Police after completing investigation, filed charge sheet before the Hon'ble Sub-Court, Armoor, vide S.C.No.105/2018 and it is posted to 10.12.2018 for the examination of the accused. The petitioner was charged for the offence under Sections 420 and 109 I.P.C.

The Armoor Police registered FIR No.345/2017 under Sections 313, 420 and 498-A I.P.C., and 4 of the D.P.Act on 06.11.2017 and during the course of investigation, issued Section 41-A Cr.P.C. notices to the accused including the petitioner herein who is A.7 in the said crime and the petitioner has complied with the same on 25.12.2017. After two months, the petitioner has sent the above report to Dharpally P.S., by post.

It is submitted that since the subject matter is relating to performance of marriage between Swapna and Sreekanth at the instance of the petitioner and the victim suffered at the hands of her husband and in-laws and as per the charge sheet the petitioner has certain role in the said matrimonial issue and S.C.No.105/2018 is pending on the file of the Hon'ble Sub-Court, Armoor, in this regard, after conducting enquiry the petitioner was informed that Police cannot take any action on his report. A notice of intimation in this regard was also sent to the petitioner by hand.

It is submitted that as the S.C.No.105/2018 has ripen up for examination of the accused, the petitioner herein after a period of six months of sending report by post to Dharpally PS and inspite of informing him that Dharpally Police enquired into the matter and informed him that the Police cannot take any action on his report, now filed the present Writ Petition making false and baseless allegation and without disclosing the above facts alleging that Dharpally Police have not taken any action on his report."

Accordingly, the Writ Petition is disposed of, by placing on record the said instructions furnished by the Station House Officer, Dharpally Police Station, Nizamabad District, dated 05.11.2018, leaving it open for the petitioner herein to avail the remedies, if any, open to him in accordance with law.

Miscellaneous petitions pending, if any, shall stand disposed of. There shall be no order as to costs.

A.V.Sesha Sai, J

Date:29.11.2018
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