

**HON'BLE SRI JUSTICE A.V.SESHA SAI**

**WRIT PETITION No. 41140 of 2018**

**O R D E R:**

When the matter is taken up, the written instructions dated 14.11.2018 furnished by Sub Inspector of Police, SR Nagar Police Station, are placed on record by the learned Government Pleader.

The said instructions read as under:

*" It is submitted that on 08.11.2018 the wife of the writ petitioner No.1 came to Police Station and submitted a complaint against the writ petitioner and her in-laws alleging that they are harassing physically and mentally. The said complaint was received by the Station House Officer, Yacharam P.S. The Station House Officer, Yacharam PS verified the contents of the complaint and obtained the mobile number of the writ petitioner from the complaint. The Station House Officer, Yacharam PS called the writ petitioner to the PS for counseling in the matrimonial matter.*

*It is submitted that, the writ petitioner along with elders voluntarily appeared before the Station House Officer, Yacharam PS on 11.11.2018, and after counseling the writ petitioner No.1 made assurance before the complainant and her elders that the writ petitioner will allow the complainant to lead marital life. The said assurance of the writ petitioner was reduced into writing stating that the writ petitioner will take back the complainant on 16.11.2018 to lead happy marital life.*

*It is submitted that, the writ petitioner filed the present writ petition on 13.11.2018 with false and baseless allegations that the respondent No.3 is calling to the police station and harassing the writ petitioners, suppressing the fact that the writ petitioner made a undertaking in writing that he will take back the complainant i.e., his wife to lead marital life. The said undertaking was signed by the writ petitioner in the presence of all the elders put their signatures.*

*It is submitted that, the Station House Officer, Yacharam followed the procedure and guidelines issued by the Apex Court from time to time in the cases of matrimonial disputes."*

Learned counsel for petitioners submits that respondent authorities are interfering with the personal liberty of petitioners without even issuing any Notice as contemplated under Section 41-A Cr.P.C.

Having regard to the nature of controversy and the contents of the written instructions, the writ petition is disposed of, with a direction to respondent authorities to strictly adhere to the provisions of law including Section 41-A Cr.P.C. and the respondent authorities shall not interfere with the life and liberty of the petitioners except following due process of law. No costs.

Miscellaneous Petitions, if any, pending in this writ Petition shall stand closed.

22<sup>ND</sup> November, 2018  
Mjl/\*

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**A.V.SESHA SAI, J**