

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

W.P. No.1644 of 2016

ORDER:

This Writ Petition is filed, under Article 226 of the Constitution of India, seeking a direction to the respondents 1 to 3 not to call petitioners 1 to 3 to the police station in relation to crime No.34 of 2015 by alteration of Section of law.

The brief facts of the case are that the 3rd respondent is calling the petitioners 1 to 3 to police station and threatening to implicate them in a crime No.314 of 2015 by alteration of Section of law.

As per the averments made in the affidavit, the 1st petitioner married Swapna in the year 2005 as per Hindu Rites and customs and they were blessed with two children. Swapna suffered with serious stomach pain taking treatment in various hospitals. As she could not bear the stomach ache, committed suicide and died on 26.10.2015. The 1st petitioner informed about the death of his wife to her parents as Swapna committed suicide. The 3rd respondent called the father-in-law of the 1st petitioner to the police station on 27.10.2015 and obtained signature on white paper and registered a case in crime No.314/2015 on 27.10.2015 under Section 174 Cr.P.C originally. Later, they fabricated the complaint by adding as his father-in-law has suspicion about the death of wife of the 1st petitioner. Hence, the petitioner filed the present writ petition.

The averment made in the affidavit is that the police are trying to interfere with the personal life and liberty of the

petitioners and they may alter the section of law. The averment made in the affidavit shows that it is only suspicion of the petitioners and there is no other material to prove.

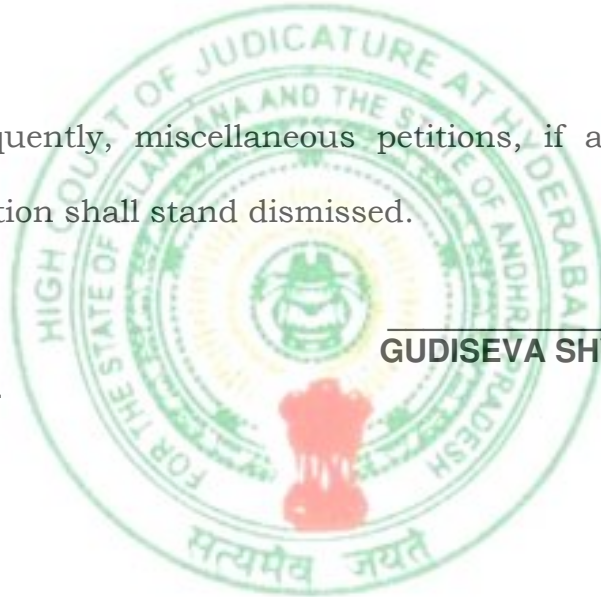
Learned Assistant Government Pleader for Home submits that the petitioners have filed the present writ petition due to apprehension of arrest and there is no cause of action arose for the petitioners for filing the writ petition.

Having regard to the above facts and circumstances that it was only apprehension of petitioner, this Writ Petition is dismissed.

Consequently, miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

Dt.19.04.2018.
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GUDISEVA SHYAM PRASAD, J



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Date:19.04.2018

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