

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

W.P.NO.43896 OF 2018

ORDER:

When the matter is taken up, the written instructions furnished by the Assistant Commissioner of Police, SC & ST Cell I, I/c South Sub-Division, Visakhapatnam City, dated 19.12.2018, are placed on record by the learned Government Pleader. The said instructions read as under:

It is submitted that the wife of the petitioner i.e. the 7th respondent herein has lodged a written complaint against the petitioner herein before the 6th respondent herein on 06.10.2018 stating therein that the petitioner herein after giving birth to a female child, developed illicit relationship with one Harika and started ill-treating and beat the complainant along with Harika and also threatened the complainant to kill her parents. Therefore, the 7th respondent requested the police to take necessary action against the petitioner and the said Harika.

It is submitted that apart from the above complaint of the 7th respondent, the father of the petitioner herein, Sri Ananda Rao, aged 64 years, has also approached the 6th respondent police station on 13.10.2018 and lodged a written complaint against the petitioner herein, stating that the petitioner has developed illicit relationship with one Harika and thereby, ill-treating, beating him and other family members and also not looking him financially, the complainant being senior citizen.

It is submitted on receipt of the above complaints, the same were entered in the General Diary of the police

station and called the petitioner to the police station for the purpose of enquiry. Thereon, the petitioner herein has approached the 6th respondent police station only on one day i.e. on 27.10.2018, and denied the allegations made in the complaints of the 7th respondent and his father.

It is submitted that while things stood thus, again the 7th respondent herein has approached the 6th respondent police station on 14.12.2018, and made a fresh complaint dated 14.12.2018, repeating the allegations against the petitioner herein and the said Harika made earlier, along with the allegations of dowry harassment and insisted the 6th respondent to register the case against the petitioner herein and the said Harika.

It is submitted that basing on the above complaint of the 7th respondent, a case in Crime No.733 of 2018, dated 14.12.2018 under Section 498-A, 323, 506 read with 34 IPC and Sections 3 and 4 of D.P. Act was registered, on the file of the 6th respondent police station against the petitioner herein (A1) and one Harika (A2), wherein investigation is in progress.

It is submitted that all the allegations of the petitioner in the affidavit about the 6th respondent herein calling the petitioner to come to the police station on various dates, and the petitioner attending the police station on 08.10.2018, is not correct and hereby denied. As stated supra, basing on the complaints of the 7th respondent dated 06.10.2018 and the father of the petitioner dated 13.10.2018, the petitioner has approached the 6th respondent only on one day, i.e. on 27.10.2018 and denied the allegations made against him in the said complaints. The allegation of the petitioner about the 6th respondent harassing the petitioner and

applying 3rd degree methods against the petitioner are totally false and concocted only for the purpose of present writ petition. Therefore, all the allegations of the petitioner against the 6th respondent made in his representation dated 20.11.2018 to the respondents 3, 4 and 5 higher authorities are false and baseless.”

On noticing the written instructions, a request is made by the learned counsel for the petitioner to place on record the said instructions and dispose of the writ petition.

Recording the above submission, the writ petition is disposed of by placing the said instructions on record with a further direction to the respondent – police to act strictly in accordance with law. No costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

A.V.SESHA SAI, J

26.12.2018
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