

THE HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.27443 of 2014

ORDER:

There is no representation on behalf of the petitioner.

2. The prayer sought in the writ petition is as under:-

“...to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of Respondents 2, 3 with the aid and active assistance of Respondents 7 to 11 in interfering with the personal life of petitioner and his family members, including his relatives at the instance of Respondents 5 and 6, wherein and whereby the 3rd Respondent has illegally and forcibly broke open the lock of the residence of the petitioner's house situated at Esalatakkalapalli Village, Ramagundam Mandal, Karimnagar District and inducted the Respondents 5 and 6 therein under the guise that the petitioner disagreed to marry the 5th Respondent, who already got married once, as wholly illegal, arbitrary, violative of Article 21 and 300-A of the Constitution of India, contrary to the provisions of the Code of Criminal Procedure, and consequently direct the Respondents not to interfere with the life and liberty of the petitioner, his family members and relatives, allowing the petitioner and his parents to Re-enter their residence without any obstruction/ hindrance and pass such other order orders as this Hon'ble Court deemed fit and proper in the circumstances of the case.”

3. The 4th respondent filed a counter-affidavit denying the allegations made in the affidavit filed in support of the writ petition and contended *inter alia* that one Smt.B.Pushpalatha (6th respondent herein), who is the mother of the 5th respondent, lodged a complaint against one M.Janardhan and another stating that he promised to marry her daughter and used her sexually and after that refused to marry her daughter and requested the police to take necessary action. Pursuant to the said complaint, a case in Crime No.116 of 2009, for the offences under Sections 417 and 420 IPC was registered on the file of the Laxitipet Police Station of Adilabad District. Thereafter,

the 5th respondent got married with one Abhilash Varma. After seeing the marriage certificate of the 5th respondent, which was issued by the temple authorities, the petitioner had categorically stated that he is not going to marry with the 5th respondent, since she is already the wife of another person. In fact, the respondents 5 and 6 along with Sarpanch organized a group of persons visited the petitioner's house and started slogans and they erected a temporary tent in front of the house and staged a Dharna. In that connection, a private complaint was filed before the learned Judicial Magistrate of First Class, Peddapalli. The said complaint was referred to police. Pursuant thereto, a case in Crime No.128 of 2014 under Sections 417, 420, 342, 504, 509 and 109 IPC was registered by Basanth Nagar Police Station. On the other hand, the 5th respondent herein approached the Superintendent of Police, Karimnagar, and lodged a complaint against the petitioner stating that she was used by him physically and refused to marry her. After receiving the said complaint, the Superintendent of Police, Karimnagar, endorsed, vide C.No.345/ccc-PD/2014, dated 01.09.2014, to the Assistant Superintendent of Police, for enquiry and report. On 10.09.2014, the Assistant Superintendent of Police, Godavarikhani Sub Division visited the petitioner's house when his parents were went to attend agricultural works and by the time the Assistant Superintendent of Police reached the 5th respondent along with Sarpanch and other villagers, they broke open the lock and the 5th respondent entered in that house. In fact, the Assistant Superintendent of Police was nothing to do with the incident. Since, the 5th

respondent made a petition to the Superintendent of Police, Karimnagar, alleging that the Sub-Inspector of Police, Basanth Nagar Police Station and Deputy Superintendent of Police, Peddapalli, not doing justice to her, the Superintendent of Police, Karimnagar, directed the Assistant Superintendent of Police to conduct enquiry and report. During the course of enquiry, the Assistant Superintendent of Police visited the house of the petitioner on 10.09.2014 and returned. He did not broke open the lock of the petitioner's house. Therefore, the allegations made by the petitioner to file the writ petition are totally false and baseless.

4. Though a detailed counter-affidavit has been filed, to rebut the same, no reply affidavit is filed. Therefore, the contents of the counter-affidavit goes un-rebutted and binding on the petitioner.

5. In that view of the matter, this Court is of the opinion that there are no merits in the writ petition and the same is liable to be dismissed.

6. Accordingly, the writ petition is dismissed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand dismissed.

P. KESHA VA RAO, J

12th December 2019

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