

THE HONOURABLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.4784 of 2019

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, for the following relief:

“...to issue Writ, order or direction more in the nature of Mandamus, declaring the action of the Respondent No.4 being a Police officer, without having any Power in his official Capacity, interfering in the personal life of the petitioners and being a Police officer, threatening the Petitioners by proceeding to Register false Cases against the Petitioners by colluding the third person without any complainant, as illegal, arbitrary, discriminatory, violation of Art. 21 of the Constitution of India and consequently direct the Respondent No.4 not to interfere in to the personal life of the petitioners direct the Respondent No.4 not to Register false Cases against the Petitioner without insisting in the interest of justice.”

2. Heard learned counsel for the petitioners and learned Assistant Government Pleader for Home.

3. Learned Assistant Government Pleader for Home produced written instructions, dated 11.06.2019, of the Station House Officer, Women Police Station, Karimnagar.

4. To the extent of their relevance to the present writ petition, the said instructions read as under:

“On 11-02-2019, the respondent No.5 approached the Commissioner of Police, Karimnagar and lodged a petition for seeking justice, on that the officer endorsed the same petition to Inspector of Police, Women Police Station, Karimnagar for enquiry and action take as per the law vide C.No.17/PD-CCC/2019, Dt:11-02-2019. After receiving the petition, as

the contents of the petition are relating to matrimonial issue, as per the directions of the Hon'ble Supreme Court of India, the SHO made a GD entry and summoned the petitioner Mallesham through phone for conducting counseling in between them to settle their issues amicably. The SHO made phone calls to the petitioner to attend counseling, but the petitioner did not come to PS and not cooperated with the police for conducting counseling. Except making him phone calls for 4 times, the SHO neither harass nor compel the petitioner. Previously, on 15-11-2018, the petitioner attended counseling at the Women PS, at that time he gave assurance, to look after his both wives and also their children. But he neither provided bread nor daily needs to the respondent No.5. Due to which she approached the Police again on 11-02-2019.

Since lodging the petition, the complainant has been coming to PS for counseling on the given dates, but the petitioner has been postponing the dates, there by evading the counseling. The petition is pending, due for counseling, due to which FIR has been not registered against them.

Subsequently, the respondent Dulam Swaroopa approached Karimnagar-I town police station and lodged a complaint against the petitioner in the police station, which is subject matter in Cr.No.153/2019, U/Sec.420, 493, 506 IPC.

After registering criminal case the petitioner approached the Hon'ble High Court and filed a writ petition vide Lr.WP.No.4784/2019/TSR/Home/2019, dt.07-06-2019."

5. Recording the above written instructions, the writ petition is disposed of. If the 1st petitioner is aggrieved of registration of crime, it is open for him to agitate his rights in accordance with law.

As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed. No order as to costs.

A. RAJASHEKER REDDY, J

9th July 2019

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