

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

W.P.No.7004 of 2019

ORDER:

Matrimonial disharmony resulted in registration of Crime No.32 of 2019 against the petitioner, his mother, sister and paternal uncles under Section 498-A of IPC and Sections 3 and 5 of Dowry Prohibition Act, 1961.

2. Petitioner alleges that under the guise of registration of above crime, police are harassing and humiliating the petitioner by frequently calling him to the Police Station affecting his life and liberty for no justifiable cause or reason.

3. Learned counsel for the petitioner submits that the Police are calling the petitioner to the Police Station and threatening him to settle the matter with a further threat of arresting and detaining him unless the issue is resolved with 5th respondent.

4. On instructions, the learned Government Pleader submits that notice under Section 41 of Cr.P.C. was sent to the petitioner by registered post and the petitioner has not responded to the said notice. He further submits that the petitioner was never harassed by the police nor was called to the Police Station frequently.

5. Once notice under Section 41 of Cr.P.C. is issued, there is no need to call the petitioner to the Police Station again and again and threaten him to settle the dispute with 5th respondent.

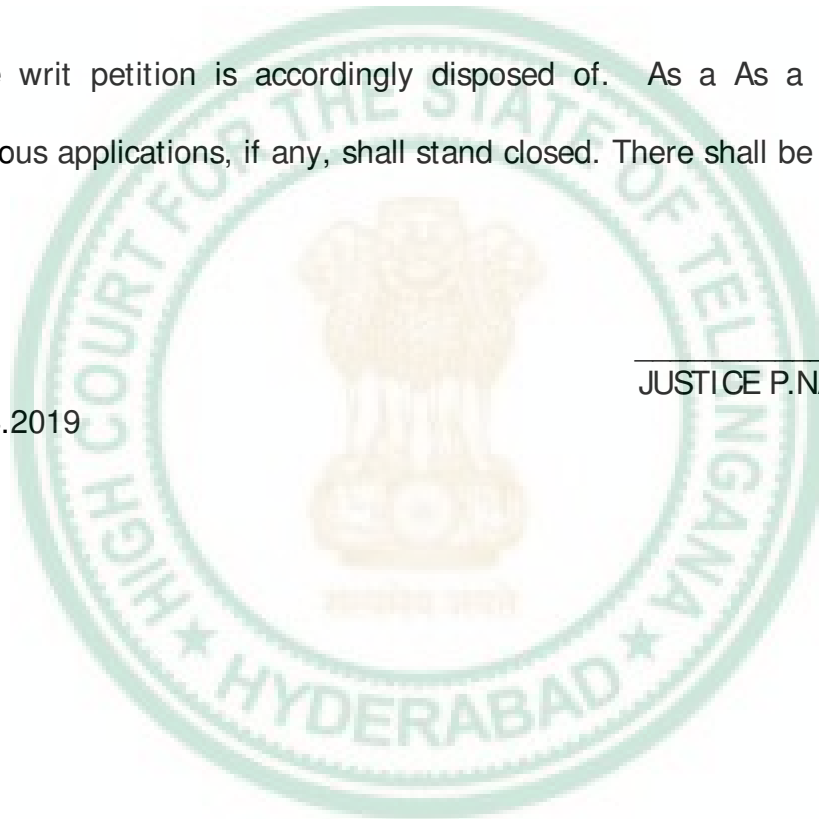
6. It is needless to observe that the police cannot interfere with the life and liberty or personal disputes of the parties. Their role is confined only to investigation into the crime reported and file final report before the competent jurisdictional Magistrate and it is for the Magistrate to take cognizance of the

matter and subject the accused for trial. In the guise of investigation, police cannot involve into the personal affairs nor compel the parties to resort to settlement. If the police are of the view that in spite of sending notice to the petitioner, he did not respond, it is no more open to the respondent-Police to continue to harass the petitioner by calling him to the Police Station for finalising the investigation. Leaving it open to the respondents to complete the investigation in the crime reported, they shall not unnecessarily call the petitioner to the police station unless his presence is required in the process of investigation and that too by following due procedure of law.

7. The writ petition is accordingly disposed of. As a As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

Date: 15.4.2019
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JUSTICE P.NAVEEN RAO



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