

HONOURABLE SRI JUSTICE P.KESHAHA RAO

WRIT PETITION No.764 of 2015

ORDER:

The present Writ Petition is filed seeking the following relief:

“... to issue a writ, Order or orders more particularly in the nature of the Writ of Mandamus declaring the action of the respondents as illegal, arbitrary and contrary to law and further to direct respondents 1 to 7 not to call the petitioner to Police stations and make him sit hours together and not to insist the petitioner to obey the illegal demands of the 8th respondent and pass such other order or orders as deem fit and proper in the circumstances of the case.’

The contention of the petitioner is that he was married to respondent No.8 on 27.5.2011 as per the Hindu rites and customs at Muthapuram Village, however, the marriage was not consummated since respondent No.8 was suffering with some gynaecological problem; that without disclosing the said disease, respondent No.8 was married to the petitioner and thereby, a fraud was played on the petitioner; that on questioning the parents of respondent No.8, they informed the petitioner and his parents that they would take respondent No.8 to a specialist doctor for treatment, but subsequently, they expressed their inability to bear the cost of respondent No.8's treatment and requested the petitioner to take respondent No.8 into his fold and take care of her health; that the petitioner took respondent No.8 to a doctor who advised her to take medicines for three months; that accordingly, the petitioner purchased medicines for three months and advised respondent No.8 to take those medicines as prescribed by the doctor; that on 26.3.2012, the petitioner took his mother to a hospital at Mehdiapatnam for consultation; that after returning to the house in

the evening, they found respondent No.8 lying in an unconscious state; that immediately, she was shifted to Sri Sai Sagar Hospital, B.N.Reddy Nagar, Hyderabad, where the petitioner was informed that respondent No.8 has consumed more than 20 tablets prescribed to her at a time with an intention to end her life; and that when the said action of respondent No.8 was questioned by the petitioner and his relatives, she stated that she could not endure her illness and therefore, she wanted to end her life.

In those circumstances, the petitioner and respondent No.8 have been living separately since 30.03.2012. Thus, the petitioner mainly contended that respondent No.8 herself deserted him and he filed O.P.No.505 of 2014 for grant of divorce on the file of the Family Court, Ranga Reddy District at L.B.Nagar and the same is pending consideration.

The petitioner alleged that on 19.6.2014, at about 5 pm., he received a phone call from a constable by name Raju from Pochampally Police Station who informed that respondent No.8 gave a complaint against him and his family members and asked him to come to the Police Station immediately. On 21.6.2014, respondent No.4 called the petitioner over phone and asked him to come to the Police Station and that when the petitioner went to the Police Station, he was simply made to sit there and thereafter, he was asked to leave the Police Station. Similarly, on 07.7.2014, 09.7.2014 and 16.7.2014, the respondent Police have asked the petitioner to come to the Police Station. In fact, on 23.7.2014, when the

petitioner went to Pochampally Police Station at 11 am., he was made to sit there up to 5 pm and during that interregnum when about 70 people from the side of respondent No.8 came there and attacked the petitioner, immediately, he went into the Police Station for safety. On 28.8.2014, one lady constable by name Meena came from Women Police Station, Saroornagar, to the house of the petitioner and took him to the Police Station and on the explanation given by him, he was permitted to go to his house. Again on 02.9.2014, the petitioner along with his mother was summoned to the Women Police Station. However, on that day, respondent No.6 asked the petitioner and his mother to come on 08.9.2014. Since 08.9.2014 happened to be Ganesh Nimmarjan and respondent No.6 was busy in the said bandhobust, they were asked to come to the Police Station on 10.9.2014. When they went to Police Station on 10.9.2014, respondent No.8-wife along with her parents and villagers were present in the Police Station. The petitioner explained the facts and also the health problems of respondent No.8 and her demands to the Police. Thereupon, respondent No.6 advised the petitioner to settle the disputes with respondent No.8.

The petitioner further alleged that in fact, the constables of Women Police Station, Saroornagar, asked him to pay Rs.500/- per day to respondent No.8 from the date of marriage. Again on 07.01.2015, respondent No.4 called the petitioner to come to Police Station and advised him to fulfill the demands of respondent No.8 and when the petitioner refused to follow the said advise,

respondent No.4 threatened the petitioner that he has to face severe consequences in their hands. Therefore, the present Writ Petition has been filed questioning the arbitrary and illegal action of the respondent Police in summoning the petitioner and his family members to the Police Station.

Learned Government Pleader for Home appearing for respondent Nos.1 to 7 placed on record the written instructions, dated 27.01.2015. From a perusal of the same, it is evident that when the respondent police asked the petitioner in the presence of respondent No.8 to pay Rs.500/- per day to her from the date of the marriage, the petitioner refused to do so and requested the Police to send him to judicial custody. The Police have given counselling to both the parties and advised them to compromise the issue. In fact, the petitioner had himself written a letter, dated 02.9.2014, stating that he will tell his decision about the issue on 08.9.2014 and in this regard, respondent No.6 never insisted the petitioner to fulfill the illegal demands of respondent No.8. A copy of the said written instructions is made part of the record.

Having heard the learned Government Pleader for Home and in the light of the aforesaid written instructions, it is evident that admittedly, there are matrimonial disputes between the petitioner and respondent No.8 leading to filing of O.P.No.505 of 2014 by the petitioner for grant of divorce on the file of the Family Court, Ranga Reddy District at L.B.Nagar. It is also further evident from the written instructions that the petitioner as well as respondent No.8

and her family members were called to Police Station only for the purpose of counselling and the respondent Police never insisted the petitioner to fulfill the illegal demands of respondent No.8 and they never made the petitioner to sit in the Police Station for hours together.

In that view of the matter, this Court is of the opinion that no further cause would survive for adjudication in the Writ Petition and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed.

As a sequel, Miscellaneous Petitions pending, if any, shall also stand dismissed. No order as to costs.

27th August, 2019
dr

JUSTICE P.KESHA RAO