

**HONOURABLE SRI JUSTICE P. KESHA RAO**

**WRIT PETITION No.27641 of 2014**

**ORDER:**

There is no representation on behalf of the petitioner.

The prayer sought in the writ petition is as under:

“... to issue an appropriate writ, order or direction particularly one in the nature of writ of mandamus declaring the action of the respondent No.3 in interfering with petitioner rights by calling petitioner to the Malkajgiri Police Station and making petitioner to sit in the police station under the guise of compromise and pressurizing petitioner to keep separate family as and where the respondent No.4 demands, as arbitrary, illegal, highhanded, colorable exercise of power and violative of the fundamental and constitutional rights guaranteed to the petitioner under Articles 14, 19, 21 and 300-A of the Constitution of India and consequently direct the respondent No.3 not to interfere with the rights of the petitioner without following due process of law.”

The 3<sup>rd</sup> respondent filed a counter affidavit as well as placed on record written instructions dated 07.10.2014.

From a perusal of the said written instructions, it is revealed that the 4<sup>th</sup> respondent herein, wife of the petitioner, approached the Malkajgiri Police Station and lodged a complaint on 18.09.2014 stating that her marriage was solemnized with Md. Rahmath i.e., the petitioner on 04.11.2012 in the presence of their elders. At the time of marriage, her parents gave dowry in the form of Rs.70,000/- in cash, 5 tulas of gold, 15 tulas of silver, 1 motor bike and house hold articles as per the demands of her husband and her in-laws. After marriage, she joined the matrimonial home of her husband. Out of wedlock, they were blessed with a child, namely, Md. Rizwan. Later, her husband i.e., the

petitioner and her in-laws harassed her for additional dowry of Rs.1 lakh from her parents and necked her out of their house on 12.09.2014. The petitioner came to her parents' house in drunken state and tried to take away her child. In that regard, she approached the police station to report the same. However, the petitioner also approached the police station where at they agreed to compromise before the mediators. Hence, she could not lodge the complaint on that day. On 18.09.2014 at about 08.30 hours the petitioner once again came to her parents' house and started beating her and her mother with hands and also attempted to murder her by tying saree to her neck and dragged. In the meanwhile, the colony people Abdul Haji and Md. Rafiq came and rescued her. Hence, she requested to take necessary action. Based on the said complaint, a case in Crime No.654 of 2014 for the offence under Sections 498A and 307 IPC and Sections 3 and 4 of the Dowry Prohibition Act was registered on the file of the 3<sup>rd</sup> respondent police station on 18.09.2014 itself. During the course of investigation, the investigating officer examined the 4<sup>th</sup> respondent and other witnesses and recorded their detailed statements. After completion of investigation, a charge sheet was filed before the X Metropolitan Magistrate, Malkajgiri. After committal, the same was numbered as PRC.No.45 of 2015, and the same is pending trial. As far as the allegations of the petitioner that he received a phone call from the 3<sup>rd</sup> respondent calling him to the police station and

that on 12.09.2014 the 3<sup>rd</sup> respondent pressurized him to keep a separate family with the 4<sup>th</sup> respondent as and when she demands to which he has not accepted and that the 3<sup>rd</sup> respondent threatened him with dire consequences and further threatened him to register a false case under Section 307 IPC against him and his family members are specifically denied since they are baseless and the same are invented for the purpose of filing the present writ petition. The allegation that the 3<sup>rd</sup> respondent was influenced by the 4<sup>th</sup> respondent and in turn the 3<sup>rd</sup> respondent is making the petitioner to sit in the police station under the guise of compromise is also denied. In fact, the 3<sup>rd</sup> respondent never summoned the petitioner to the police station nor asked him to compromise the matter with the 4<sup>th</sup> respondent or made him to sit in the police station.

In the light of the above said specific denials of the 3<sup>rd</sup> respondent, this Court is of the opinion that there are no merits in the writ petition and the same is liable to be dismissed.

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

Miscellaneous petitions, if any, shall also stand dismissed.

**P. KESHA RAO, J**

Date: 16.12.2019.  
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