

THE HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.31948 of 2013

ORDER:

There is no representation on behalf of the petitioners.

2. The prayer in the writ petition is as follows:

“..... to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring that the action of the Respondent No.2 in calling the Petitioners to the police station without due process of law as illegal, arbitrary and violative of principles of natural justice and consequently the Respondent No.2 may be interdicted from calling the Petitioners to the police station in the interest of justice and to pass such other order or orders.....”

3. The respondent No.2 filed the counter affidavit denying the averments made in the affidavit filed in support of the writ petition and contended inter-alia that the Embassy of India, Riyadh, addressed a letter to the Superintendent of Police, Hyderabad, on 06.10.2013 stating that the Embassy has received a petition from Mrs. Hajeera Moinuddin an Indian National, daughter of Sri Mohammed Khaja Moinuddin-3rd respondent herein, who is presently residing in Riyadh alleged that she has domestic violence with her husband Mohammed Abdul Mannan and father in law Mohammed Abdul Rahman (1st petitioner) resident of H.No.10-4-771/82/35, Uwaisipura, Hyderabad. In the complaint it is stated that they are planning to involve her in some criminal cases and threat to kill her during her stay in India or Kingdom of Saudi Arabia. Therefore, the Embassy requested to take safety measures to Mrs. Hajeera Moinuddin during her stay at home town. Upon receipt of the said letter, the Deputy Commissioner of Police, West

Zone, Hyderabad, endorsed and forwarded the same to the 2nd respondent for enquiry and ensure safety to Mrs. Hajeera Moinuddin. Pursuant to the instructions of the higher authorities, the 2nd respondent to know the veracity of the contents of the letter of the Embassy issued instructions to Sub Inspector of Police to contact the 1st petitioner. Accordingly, he contacted the 1st petitioner over phone and asked him to cooperate for enquiry. However, he did not turn up till the date of the filing of the counter affidavit. It is also stated in the counter affidavit that neither the 1st petitioner nor his family members were harassed as alleged in the affidavit except for the purpose of enquiry into the contents of the letter sent by the Embassy, the 1st petitioner was not called for any other purpose. In fact no police official visited the petitioners' house nor harassed his family members. It is also specifically stated that the allegation of the petitioners that the respondent police are prejudicing the petitioners to settle the matter of divorce by paying Rs.10 lakhs under the influence of the 3rd respondent is absolutely false and baseless.

4. The 3rd respondent also filed an affidavit stating that his daughter Hajeera Moinuddin was married to the son of the petitioner Nos.1 & 2. Immediately after the marriage his daughter joined her husband in joint family i.e., petitioners herein and thereafter at Riyad, Saudi Arabia. The marriage was consummated and out of the wedlock they were blessed with 2 children. His daughter was constantly subjected to cruelty, inhuman treatment and domestic violence by her husband unable to tolerate the physical and mental torture she came to the 3rd respondent and staying with them for the past 3 months. His daughter went to

Riyad in the month of October 2013 to get the educational certificates, clothes of her children and also her belongings. But she was not allowed to enter the house, whereupon she took shelter in her brother's house and with the help of officers of Indian Embassy she could get some articles and then with great difficulty only and on the intervention of elders she got the exit permission of her husband. Meanwhile, the Embassy had talks with the 3rd respondent's son in law and found truth in the allegations of his daughter. On her exit from Riyadh, the Indian Embassy, Riyadh, had also issued a letter dated 06.10.2013 to the police in Hyderabad to ensure safety of his daughter. It is also further stated they were no talks for reconciliation conducted by anybody in Saudi Arabia or in India. It is also stated that he was aware of the fact that no police constable visited the house of the petitioners. The 3rd respondent and his family have not lodged any report with any authority. Therefore the allegation that the constable is visiting the petitioners' house is totally false and fabricated.

5. Though respondent Nos.2 & 3 filed counter affidavits denying the allegations made in the affidavit filed in support of the writ petition, no reply affidavit is filed to rebut the facts and contentions raised in the counter affidavits of respondent Nos.2 & 3. Therefore, the facts and contentions raised in the counter affidavits goes un-rebutted and binding on the petitioners.

6. In these circumstances, this Court is of the opinion there are no merits in the writ petition and the same is liable to be dismissed.

7. Accordingly, this Writ Petition is dismissed. No costs.
Miscellaneous petitions pending, if any, shall stand dismissed.

JUSTICE P. KESHA RAO

Date: 07.11.2019
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