

HIGH COURT FOR THE STATE OF TELANGANA
THE HON'BLE THE CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN
AND

THE HON'BLE SRI JUSTICE A. ABHISHEK REDDY

WRIT PETITION No.20223 of 2019

Date: 18.09.2019

BETWEEN

Vaspari Mallaiah.

... PETITIONER

AND

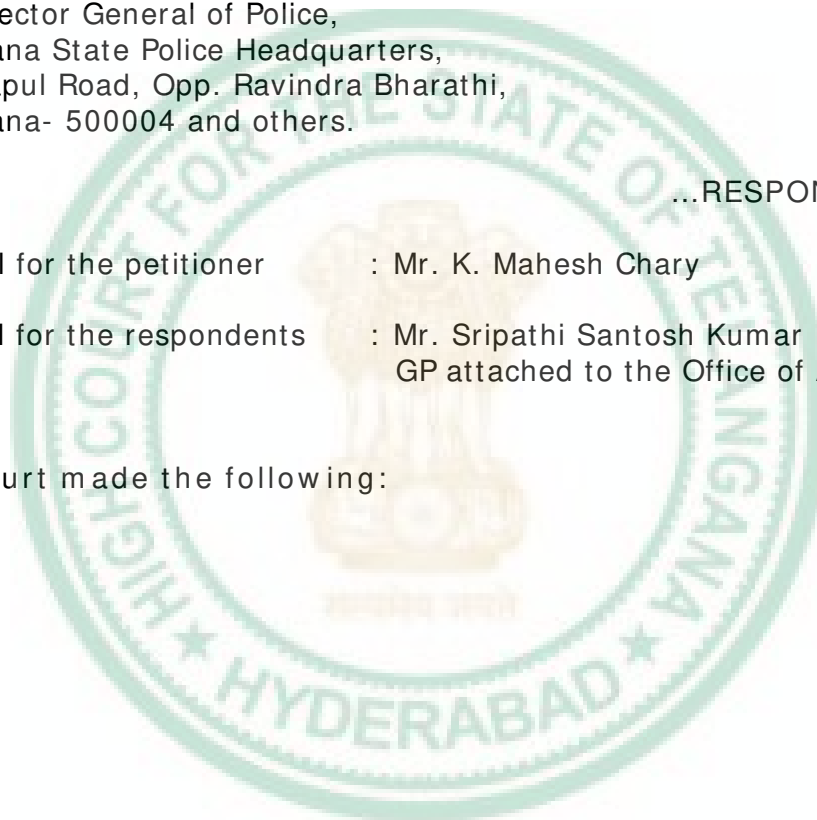
The Director General of Police,
Telangana State Police Headquarters,
Lakdikapul Road, Opp. Ravindra Bharathi,
Telangana- 500004 and others.

...RESPONDENTS

Counsel for the petitioner : Mr. K. Mahesh Chary

Counsel for the respondents : Mr. Sripathi Santosh Kumar
GP attached to the Office of AG

The Court made the following:



ORDER: { Per the Hon'ble the Chief Justice Sri Justice Raghvendra Singh Chauhan}

The petitioner, V. Mallaiah, has filed this Habeas Corpus writ petition ostensibly on the ground that he is in love with respondent No.4. However, the respondent No.4 is being illegal detained by her brother-in-law, respondent No.6. Therefore, he has prayed that respondent No.4 should be produced before this court.

2. On 17.09.2019, Mr. Sripathi Santosh Kumar, learned counsel for State, had clearly pointed out that respondent No.4 has already lodged an FIR against the petitioner before the Police Station, Saroornagar, for offence under Sections 354-D, 504, 506 of the Indian Penal Code and Section 43 read with Section 66 of the Information Technology Act, 2000. In order to buttress this plea, the learned counsel had also brought to the notice of this Court the FIR, which has been filed by the petitioner himself.

3. In the light of the submission made by Mr. Sripathi Santosh Kumar, this Court was of the opinion that the petitioner has abused the process of law, and the process of Court, in order to create evidence in his favour. Therefore, this Court pointedly asked a question to the learned counsel for the petitioner whether it is true that the said FIR has been registered against the petitioner by the complainant or not? To this query, the learned counsel submitted that the petitioner has seen the copy of the complainant filed by the respondent No.4. However, the complaint is a fake one. According to the petitioner, he can identify the signature of respondent No.4, and the signature on the complaint is a forged one. Thus, in order to decide whether the complaint is a forged one or genuine one,

this Court directed the learned counsel for the State to produce respondent No.4 before this Court today.

4. Consequently, the Station House Officer, respondent No.3, has produced the respondent No.4 before this Court.

5. This Court had a chance to speak to the respondent No.4. She informs this Court that she is 20 year old young lady, who was earlier studying at Narayanaguda Women's Degree College. According to her, the petitioner has been harassing her for a long time. However, she has no interest in him; she certainly has no intention of marrying him. Due to his needless harassment, she had filed the complaint before the Police Station, Saroornagar, out of her own volition. Therefore, according to her, the FIR lodged by her is a genuine one. Moreover, she informs this Court that the petitioner continues to harass her, and to cause social embarrassment for her. In fact, due to his harassment, she had left her studies. She had to even leave the hostel where she was staying. Fearing for her safety, she shifted to the house of her sister, who is married to respondent No.6. Presently, she is staying with her sister's family. Moreover, according to her, although her family is trying to arrange a marriage for her, the petitioner creates obstacles by misinforming the families of the prospective bridegroom. According to her, she does not have any personal fear from the petitioner, but claims that she is being socially embarrassed, and personally harassed by the petitioner.

6. Considering the statement made by respondent No.4, obviously, the stand being taken by the learned counsel for the petitioner that

the FIR is a forged one is highly misplaced. Thus, this Court is of the firm opinion that the petitioner has abused the process of law and the process of Court in order to create an evidence in his favour.

7. Therefore, this Court imposes costs of Rs.50,000/- (Rupees Fifty Thousand only) on the petitioner. The costs shall be deposited by the petitioner with the Registrar (Judicial) of this Court. The amount, so deposited, shall be paid to the respondent No.4 by the Registry. The said amount shall be paid by the petitioner within a period of two (2) weeks from today failing which the respondent No.4 or respondent No.6 would be free to file a contempt petition before this Court.

8. The respondents 2 and 3 are also directed to take necessary steps with regard to FIR.No.542 of 2019 dated 10.08.2019 registered by the Police Station, Saroornagar.

With these directions, the writ petition is disposed of. As a sequel, the miscellaneous petitions, pending if any, shall stand closed. There shall be no order as to costs.

RAGHVENDRA SINGH CHAUHAN, CJ

A. ABHISHEK REDDY, J

September 18, 2019
DSK