

HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION No.22174 of 2019

ORDER:

This writ petition is filed aggrieved by the action of respondent No.5 in not investigating into the Crime No.1166 of 2019 of Rajendranagar Police Station, Cyberabad, registered for the offences punishable under Sections 420, 406, 506 r/w. Section 34 of IPC against the Accused persons, as arbitrary and illegal.

Heard Sri Mohd. Ghulam Rasool, learned counsel for the petitioner and the learned Assistant Government Pleader for Home appearing for the respondents.

The learned Assistant Government Pleader for Home, on written instructions dt.30.10.2019, submits that based on the complaint made by the petitioner on 19.08.2019, Crime No.1166 of 2019 was registered against the Accused persons, viz., Mohd. Farozuddin and others. In the said written instructions produced before this Court, it is stated that during the course of investigation, respondent No.5 examined the petitioner and recorded her statement under Section 161 of Cr.P.C. Thereafter, respondent No.5 has issued a Notice under Section 91 of Cr.P.C. to the petitioner to furnish documentary evidence relating to the case. It is also stated that the petitioner and her husband entered into unregistered agreements with regard to the maintenance before the elders on 12.08.2014 and 08.03.2015 and for violation of the terms of the said agreements by the petitioner's husband, the petitioner

has filed a petition under Section 125(3) Cr.P.C. in DVC.No.32 of 2016 on the file of IV Metropolitan Magistrate, Nampally, Hyderabad, seeking maintenance for a specified amount and the said case is pending adjudication. In addition thereto, harassment case in Crime No.646 of 2015 of WPS, DD, Basheerbagh, Hyderabad, for the offences punishable under Sections 498-A, 406 IPC and Sections 4 and 6 of Dowry Prohibition Act, has also been registered against the husband of the petitioner. Against the grievance of the petitioner in her complaint, Crime No.1166 of 2019 has been registered with regard to maintenance and for violation of the terms of the Agreements by the husband of the petitioner. Since, the same are to be adjudicated by the Court of law, respondent No.5 referred the case as civil in nature vide Notice No.436/C6/ACP-RJNR/Cyb/2019, dt.29.10.2019 and the same was also informed to the petitioner by way of registered post with acknowledgement due, under registered cover No.RN136548043IN.

In view of the said communication, if the petitioner is still aggrieved, she is at liberty to take appropriate steps before the appropriate Forum in accordance with law.

Accordingly, this writ petition is disposed of. No order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE T. VINOD KUMAR

01.11.2019.
Msr

HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION No.22174 of 2019



01.11.2019

Msr