

THE HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.8399 of 2014

ORDER:

Heard learned counsel for the petitioner as well as learned Government Pleader appearing for the respondents 1 to 5.

2. The prayer sought in the writ petition is as under:-

“... to issue an order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ declaring the action of respondent no.2 in calling the petitioner and his parents to the Mothkur Police Station through making cell phone call through cell phone no.9440700068 to come on 16.03.2014 upon coming to the station brutally beating the petitioner on his palms and on sole of foot by a specially made instrument (Hunter made with Tyre Rubber) and further threatening to come on 24.03.2014 otherwise the petitioner and his family members have to face the music in his hands, is nothing but abuse of the powers vested in the respondent no.2, and also violative of Articles 14, 19 and 21 of the Constitution of India. Consequently direct the respondents no.3 and 4 to enquire into the matter and take necessary action against the respondent no.2 in accordance with law, and to pass such other order or orders as this Hon’ble Court may deem fit and proper in the interest of justice.”

3. The 1st respondent filed a counter-affidavit denying the averments made in the affidavit filed in support of the writ petition and contended *inter alia* that one Thallapelli Punyavathi approached the Mothkur Police Station in the month of March, 2014 and orally stated that her husband-petitioner and her parents-in-law are harassing

her mentally and physically and also demanded to get additional dowry and requested the police to compromise the matter amicably by summoning her husband and warn him since she was intending to live with him. To know the veracity of the oral complaint of the wife of the petitioner, the respondent police telephoned the petitioner and asked the details. But, he did not turn up to the Police Station and filed the present writ petition on mere apprehension. It is also further stated in the counter-affidavit that as on the date of filing of the counter-affidavit, no complaint of whatsoever is received or registered against the petitioner on the file of the Mothkur Police Station. On coming to know about approach of his wife to the respondent police, the petitioner, as a precautionary measure to prevent the police from taking action, rushed to this Court and filed the present writ petition with baseless allegations. The respondent police also denied that the petitioner along with his parents came to the Police Station on 24.03.2014 and the 3rd respondent threatened the petitioner. The petitioner bore grudge against his own wife and made baseless allegations against the respondent police. It is specifically stated that the respondent police never summoned the petitioner or his family members to the Police Station nor abused him in filthy language or beat him mercilessly as alleged in the affidavit. On mere apprehension and to prevent the police from taking any action, in the event of lodging any complaint against the petitioner, he rushed to this Court and filed the present writ petition with baseless allegations. In

fact, no Sub-Inspector of Police with name Ravinder Reddy worked in Mothkur Police Station.

4. Though a counter-affidavit is filed specifically denying the allegations made in the affidavit filed in the support of the writ petition, no reply is filed rebutting the statements made in the counter-affidavit. Therefore, the contents of the counter-affidavit are deemed to be admitted. In that view of the matter, this Court is of the opinion that there are no merits in the writ petition and the same is liable to be dismissed.

5. Accordingly, the writ petition is dismissed.

Miscellaneous petitions pending, if any, shall stand dismissed.

No order as to costs.

14th November 2019

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P. KESHA RAO, J