

THE HONOURABLE SRI JUSTICE P.KESHAVA RAO

WRIT PETITION No.1291 of 2015

ORDER:

There is no representation on behalf of the petitioner.

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

“....to Issue an Appropriate Writ Order to direction more particularly one in the nature of Write of Mandamus to declare the inaction of the 2nd respondent in principle granting the police protection to the petitioner in India from the date of arrival to departure to USA tentatively from 19th January, 2015 to 31st March, 2015 to attend the court proceedings in C.C. No 1392/2009 and DVC No.258/2012 which is against to the Article 19, 21, 300 and 300A of the Constitution of India, consequently direct to grant the same at an early date so as to attend the trial before 8th Feb, 2015.”

3. From the above and in the light of the submissions made in the affidavit filed in support of the writ petition, the main grievance of the petitioner is that he was married to the 3rd respondent on 10.06.2006. By the time of marriage, the petitioner was settled in USA in Software profession. In fact, on 19.06.2006, the 3rd respondent joined the petitioner on dependent VISA. However, the 3rd respondent left the matrimonial house and joined her parents' house in India on 25.07.2006 by forcing the petitioner by taking all her personal belongings including her personal cloths and other valuable articles. In that connection, several cases were registered against the petitioner and his family members vide OP No.280 of 2008 for divorce, CC No.1392 of 2009 for the offences under Section 498-A IPC and Sections 4 and 6 of the Dowry Prohibition Act. On 30.06.2009 a false case was also filed against the petitioner under the

provisions of DVC Act vide DVC No.20 of 2009 on the file of the Court of VI ACMM, Nampally, Hyderabad, which was subsequently transferred to III Metropolitan Magistrate, Hyderabad vide DVC No.258 of 2012. In view of the animosity developed between the petitioner and his family members on the one hand and the 3rd respondent and her family members on the other, the petitioner apprehended danger to his life and sought protection from the concerned police from the day of landing at Hyderabad until leaving to USA i.e. with effect from 19.01.2015 to 31.03.2015 to attend the Court proceedings in CC No.1392 of 2009 and DVC No.252 of 2012.

4. The learned Government Pleader appearing for the respondents 1 and 2 placed on record, the written instructions, dated 28.08.2019 and the same is made part of the record.

5. A perusal of the said written instructions would reveal that in CC No.1392 of 2009 on the file of the IX Metropolitan Magistrate, Kukatpally, ended in acquittal vide orders dated 30.03.2015.

6. In view of the above, particularly, in the light of relief sought for in the writ petition, this Court is of the opinion that by efflux of time, the relief sought in the writ petition is already worked out and no further cause would survive in the writ petition. Therefore, the writ petition is liable to be dismissed.

7. Accordingly, the writ petition is dismissed. No order as to costs. Miscellaneous Applications, if any pending, shall stand closed.

P. KESHAVA RAO, J

August 29, 2019.
KTL