

THE HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.26264 of 2014

ORDER:

There is no representation on behalf of the petitioners.

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

“...issue a Writ or Writs more particularly one in the nature Writ of Mandamus declaring the actions of the First to Third Respondents vesting powers to the Fourth Respondent and all these Respondents interfering with Petitioners personal liberty, free movement, privacy in the name of searches by entering to Petitioners Premises H.No.5-9-259/23B, Plot No.23B, Shalli Garden, Sainikpuri (Post) Yaprall, Secunderabad, Flat No.102, II Floor, Plot No.33, J.B.Apartments, Maccha Bolarum, Near Janapriya Apartments, Secunderabad, and place of avocations i.e., office of Boats Club, Secunderabad, Tara Ready Made and Textile’ situated shop at Municipal No.5-3-170/7/1 beside Pragati School Complex, Yaprall Main Road, Secunderabad, Flat No.102, II Floor, Plot No.33, J.B. Apartments, Maccha Bolarum, Near Janapriya Apartments, Secunderabad, by abusing these Petitioners in filthy language and keeping in Third Respondent’s police station for hours together and giving threat of arrest, creating fear complex of dire consequences by implicating in false criminal cases, not allowing these Petitioners to carry on their respective avocations without any fear, directing to settle the matters al the behest or the Fifth and Sixth Respondent by producing Maria Amitha and Sushanth Lahoti whose whereabouts were not known to these Petitioners is illegal, arbitrary and violative of Art. 16 and 19(1)(g) of the Constitution of India and consequently restrain all these respondents to do all such above mentioned acts by not interfering with Petitioners personal liberty free movement privacy and allow these petitioners to carry out their avocations without any fear and pass such order or orders in the interest of justice as this Honourable Court deems fit and proper in the interest of justice and pass such further or other orders as this Honourable Court deems fit and proper.”

3. Respondent Nos.1 to 3 filed the counter-affidavit denying the averments made in the affidavit filed in support of the writ petition

and contended *inter alia* that the respondent police never harassed or threatened the petitioners, but they have been carrying out the investigation strictly in accordance with law in respect of the cases registered against the second son of petitioner Nos.1 and 2 herein. It is also mentioned in the counter-affidavit that there are disputes between the petitioners and respondent Nos.5 and 6 relating to the second son of petitioner Nos.1 and 2 herein and the elder brother of petitioner No.3, viz., Sushant Lahoti, fell in love with the daughter of respondent Nos.5 and 6 herein, by name, Maria Amitha, and subsequently they were married on 22.07.2014 at Sub-Registrar's Office, Vallabh Nagar, Ranga Reddy District, without the consent of their parents. After the marriage, the newly wedded couple started living in the house of petitioner Nos.1 and 2 herein. In that regard, there appears to have some differences between the said couple. Pursuant to which, Ms. Maria Amitha, W/o. Sushant Lahoti, left her in-laws' house and started living with her parents and filed O.P.No.238 of 2014 for dissolution of marriage against her husband before the Family Court, Secunderabad. The allegations made against the 3rd respondent police are specifically denied. In fact, the 5th respondent approached the 3rd respondent police on 09.07.2014 and lodged a complaint against the second son of petitioner Nos.1 and 2 herein stating that on 07.07.2014 at about 10.15 hours, the accused-Sushant Lahoti came to her house to take her daughter and caught hold of her husband's collar and caught hold of her shoulder along with dupatta,

kameez and inner garments and pushed her and insulted her modesty and requested the police to take necessary action against Sushant Lahoti. Pursuant to the complaint, a case in Crime No.304 of 2012 was registered for the offences under Sections 323 and 354 IPC on the file of the 3rd respondent police. The investigation was taken up. Since then, the second son of petitioner Nos.1 and 2 herein is absconding along with Maria Amitha. In the course of investigation, the 3rd respondent police is looking out for Sushant Lahoti i.e., the second son of petitioner Nos.1 and 2 in the above said crime and also Maria Amitha, who is an eye witness to the said crime. However, all efforts went in vain so far. The allegation of the 1st petitioner is that he was made to sit in the Police Station for four hours from 11.00 a.m. to 3.00 p.m. is specifically denied. It is also stated that the 3rd respondent police made a phone call to the 1st petitioner to come to Police Station is only with reference to enquire whereabouts of the accused-son or about his coming to their house. It is also stated that no complaint was made by the petitioners against the 6th respondent before the 3rd respondent police at any point of time. Therefore, there is no truth in the allegations made by the petitioners in the affidavit filed in support of the writ petition.

4. Though a detailed counter-affidavit has been filed, no reply is filed to rebut the same. In these circumstances, this Court is of the opinion that no further cause would survive in the writ petition, since

the 3rd respondent police is only investigating pursuant to registration of case in Crime No.304 of 2014. Therefore, 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 closed. No costs.

24th September 2019

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P. KESHA VA RAO, J

