

THE HONOURABLE SRI JUSTICE P. KESHA VA RAO

WRIT PETITION No.36056 of 2014

ORDER:

There is no representation on behalf of the petitioners.

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

“...to issue a writ, order or direction more particularly in the nature of mandamus directing the Respondent No.2 to 6 not to harass the petitioners and their family members by calling them to police station without any due process of law and such any other order or orders be passed which deems fit and proper in the circumstances of the case.”

3. Learned Government Pleader appearing for respondent Nos.1 to 6 placed on record the written instructions issued by the Station House Officer, Inthezargunj Police Station.

4. From a perusal of the said written instructions, it is revealed that petitioner No.2 was married with Vaseema Akhter Unnisa in the year 2009. After some time of marriage, disputes arose between them and Vaseema Akhter Unnisa hardly lived for three months with petitioner No.2 and went away to her parents' house and filed false dowry harassment cases, which were pending in C.C.No.7 of 2010 against petitioner No.2 and C.C.No.21 of 2014 against petitioner No.1 for the offences under Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act on the file of the I Metropolitan Magistrate, Warangal. The said Court issued official Memorandum, vide Dis.No.240, dated 05.03.2014, to the Station House Officer and Court Constables of Inthezargunj Police Station, and also sent a copy to the District Legal Services Authority, Warangal, and the Deputy

Superintendent of Police, Warangal, stating that the Station House Officer, Inthezargunj Police Station, have filed a charge sheet against A.1 to A.3 for the offences under Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act and the same was taken cognizance, vide C.C.No.7 of 2010. Non-Bailable Warrant (NBW) was issued on 13.09.2013, since A.1 to A.3 failed to appear before the Court. Since NBW was not being executed, the complainant filed a requisition before the District Legal Services Authority, Warangal, making allegations against the court constables. It is further mentioned in the written instructions that the matter pertains to 2010 and was pending trial for four years. However, the accused produced a copy of the stay order passed by this Court. But, on 06.05.2013, the prosecution has filed the dismissal order copy of this Court showing that no stay was pending in the matter. Therefore, the Court below directed all the accused to appear before the Court. But, the accused failed to obey the Court order without any proper reason, as such, on 13.09.2013 NBW was issued against all the accused and directed the Station House Officer and Court Constables of Inthezargunj Police Station to execute NBW against all the accused and give an explanation within three days, otherwise the matter will be reported to the higher authorities. It is also further mentioned in the written instructions that the I Additional Judicial First Class Magistrate, Warangal, issued official memorandum, vide Dis.No.1208, dated 17.11.2014, intimating the Station House Officer, Inthezargunj Police Station, that NBW was issued to A.1-Mriza Ahmed Baig i.e.,

petitioner No.2 herein, and it was re-called on 12.11.2014. Since NBW was already re-called, the question of respondent police harassing the petitioners and their family members by calling them to the Police Station without following due process of law does not arise. It is also specifically mentioned that all the allegations made in the affidavit filed in support of the writ petition are totally false and baseless and the writ petition is devoid of merits.

5. 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.

6. Accordingly, the writ petition is dismissed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand dismissed.

9th January 2020
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P. KESHAVA RAO, J