

THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION No.35211 of 2014

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader.

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

'For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to pass order or orders one in the nature of WRIT OF MANDAMUS declaring the inaction of the respondents 2 to 5 for not considering the representation made by the petitioner on 05.11.2014 against the respondent No.6 for a cheating, criminal breach of trust and mischief played by her with the petitioner and consequently

a) direct the respondents 2 to 5 to give the police protection to safeguard the personal life and liberty of the petitioner.

b) direct the respondent No.5 for closure of FIR No. 607/2014 dated 17-8-2014

and declare the action of the respondents as illegal, arbitrary, against the principles of natural and violation of principles of justice, against law and violation of Articles 19 and 21 of the Constitution of India and pass such other order or orders as this Hon'ble Court may deem fit in the circumstances of the case.'

3. During the course of hearing, the learned Government Pleader placed on record the written instructions issued by the Station House Officer, Uppal Police Station, Cyberabad.

4. From the perusal of the said written instructions, it is revealed that the sixth respondent herein approached the fifth respondent on 17.08.2014 and lodged a written complaint stating that she got married to the petitioner herein on 13.07.2014 at Madinaguda, Darmapuri Kshetram, Hyderabad. On the same day after marriage, the petitioner dropped the sixth respondent in the hostel and went to his parents' house situated at Kalyanpuri Colony, Uppal, Hyderabad, by stating her that he will return in

two weeks. Subsequently, the sixth respondent came to know that the parents of the petitioner necked out him from their house after knowing the marriage of him with the sixth respondent and that from 13.07.2014 the petitioner's whereabouts were not known and therefore, she requested the police to trace out the petitioner herein. Pursuant to the said complaint, a case in Crime No.607 of 2014 under the head 'Man Missing' was registered on 17.08.2014 itself.

5. It is revealed from the written instructions that subsequent to the registration of the above crime, the parents of the petitioner have also approached the fifth respondent on 15.10.2014 stating that their son, the petitioner herein, was missing. As the case was already registered on similar allegations, the complaint given by the parents of the petitioner was tagged on to the above said crime. In the first week of November, 2014, the parents of the petitioner once again approached the fifth respondent informing that the petitioner had a talk with them on 03.11.2014 from Chennai and stated to them that 'he is not missing'. Thereafter, a representation dated 05.11.2014 was received through registered post from the petitioner, which was addressed to the fifth respondent, wherein certain allegations were made with regard to his marriage with the sixth respondent and that 'he is not missing' as complained by the sixth respondent and his parents and requested to provide police protection to his family and to him when he comes to Hyderabad. Till the filing of the written instructions, the petitioner had not approached the fifth respondent to enable them to take action for closure of F.I.R.No.607 of 2014 dated 17.08.2014 and that the parents of the petitioner have also not disclosed the whereabouts of the petitioner and merely basing on the representation dated 05.11.2014, filed by the

petitioner without physically present, the aforestated crime cannot be closed, and therefore, there is no inaction on the part of the police authorities as alleged in the writ petition.

6. 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.

7. Accordingly, the writ petition is dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

Date:08.01.2020

PGS

JUSTICE P.KESHAVA RAO

