

**HIGH COURT FOR THE STATE OF TELANGANA
(Special Original Jurisdiction)**

TUESDAY, THE TWENTY FOURTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE SRI JUSTICE P NAVEEN RAO

WRIT PETITION NO: 19027 OF 2020

Between:

Prathima Ankala, D/o A.J.Vardhan, aged about 34 years, Occ. Private Employee, R/o Flat No. 503, 5th Floor, Shanthi Residency, Road No. 19, Ayyappa Society, Madhapur, Hyderabad

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Home Department, Secretariat Buildings, Hyderabad.
2. The Director General of Police, Government of Telangana, Hyderabad.
3. The Commissioner of Police, Hyderabad.
4. The Deputy Commissioner of Police, West Zone, Opp. Mahavir Hospital Lane, Masab Tank, Hyderabad.
5. The Assistant Commissioner of Police, Panjagutta, Hyderabad.
6. The Station House Officer, Police Station, S.R.Nagar, Hyderabad.
7. Sri Tirupathaiah, S/o and age not known, Assistant Commissioner of Police, Panjagutta, Hyderabad.
8. Sri Saidulu, S/o and age not known, Station House Officer, Police Station, S.R.Nagar, Hyderabad.
9. Smt P. Nagamani W/o P. Ramesh Aged 24 years, Occ: Pvt Employee R/o Room No. 25, Vamshi Apartments, Madhuranagar, Yousufguda, Hyderabad

(R9 is impleaded as per court order dt 24-11-2020 in IA No 3/2020)

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue any appropriate writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS directing the respondents 5 and 6 who were made personally as respondent 7 and 8 not to call the petitioner to police station and not to insist her to hand over her adopted daughter namely Aaradhya to her biological parents without any authority under law and without following any due procedure established by law by duly declaring the action of the respondents 5 and 6 who were made personally as respondent 7 and 8 in calling the petitioner to police station and insisting her to hand over her adopted daughter namely Aaradhya to her biological parents by threatening that they will foist a false case alleging the offences of illegal confinement and kidnapping of child even though the petitioner has brought to the notice of the respondent 5 and 6 with regard to order passed by the Honble Chair Person, Telangana State Human Rights Commission, Hyderabad in HRC No. 2762 of 2020 dated 24/09/2020 is illegal, arbitrary,

violative of principles of natural justice, without jurisdiction and also misusing their powers conferred under law

IA NO: 2 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents 5 and 6 who were made personally as Respondents 7 and 8 not to call the petitioner to Police Station and not to insist her to hand over her adopted daughter namely Aaradhya to her biological parents without any authority under law and without following any due procedure established by law; pending disposal of the above Writ Petition

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent No.2 and 3 to consider the Petitioner's representation dated 18/10/2020 and to take appropriate action by taking into consideration of the contents of the above mentioned complaint; pending disposal of the above Writ Petition and pass

Counsel for the Petitioner(s):SRI. M NAGA RAGHU

Counsel for the Respondent No. 1 to 6: GP FOR HOME

Counsel for the Respondent No.7 & 8: NONE APPEARED

Counsel for the Respondent No.9: SRI Y.V.V.V.S. JWALA

The Court made the following: ORDER

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.19027 of 2020

ORDER:

Heard learned counsel for the petitioner, learned Assistant Government Pleader for Home and Sri Y.V.V.V.S.Jwala, learned counsel appearing for the 9th respondent.

2. This writ petition is filed by the petitioner to direct the respondents more particularly respondents 5 and 6 who are personally arrayed as Respondents 7 and 8 not to call the petitioner to police station and not to insist her to hand over her adopted daughter namely Aaradhya to her biological parents without any authority under law and without following due procedure and threatening her to foist false case of kidnapping of child, inspite of bringing to the notice of respondents 5 and 6 of the order passed in HRC.No.2762 of 2020 dated 24.09.2020, as illegal and arbitrary.

3. When the matter is taken up for consideration, learned Assistant Government Pleader informs that Cr.No.751 of 2020 was closed in S.R.Nagar Police Station vide proceedings No.681/PER/CR/ACP/PGT/2020 and no proceedings are pending with the police as of now.

4. Since the crime is closed, the cause in the writ petition does not survive.

5. At this stage, learned counsel appearing for the 9th respondent submits that several allegations are made against the 9th respondent in the affidavit filed in support of writ petition and those allegations are required to be answered, otherwise, those

allegations may be used against the 9th respondent in any other proceedings.

6. In view of closure of crime, no further orders are required. The Writ Petition is disposed of. It is made clear that there is no expression of opinion on merits and the allegations made, if any, in the writ petition against 9th respondent can not be said to have been sustained and it is always open to the 9th respondent to avail her remedies as available in law and to express her stand in appropriate proceedings. Pending miscellaneous petitions, if any, shall stand closed.

**SD/-I.NAGALAKSHMI
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Home Department, State of Telangana, Secretariat Buildings, Hyderabad.
2. The Director General of Police, Government of Telangana, Hyderabad.
3. The Commissioner of Police, Hyderabad.
4. The Deputy Commissioner of Police, West Zone, Opp. Mahavir Hospital Lane, Masab Tank, Hyderabad.
5. The Assistant Commissioner of Police,, Panjagutta, Hyderabad.
6. The Station House Officer, Police Station, S.R.Nagar, Hyderabad.
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9. Smt P. Nagamani W/o P. Ramesh Aged 24 years, Occ: Pvt Employee R/o Room No. 25, Vamshi Apartments, Madhuranagar, Yousufguda, Hyderabad
10. One CC to SRI. M NAGA RAGHU Advocate [OPUC]
11. One CC to SRI. Y.V.V.V.S. JWALA, Advocate [OPUC]
12. Two CCs to GP FOR HOME (TG) ,High Court for the State of Telangana. [OUT]
13. Two CD Copies

Avs



HIGH COURT

DATED: 24/11/2020



ORDER

WP.No.19027 of 2020

DISMISSING THE WP
WITHOUT COSTS

15
HMA
BT 10/12/2020.