HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY ,THE SEVENTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO: 23040 OF 2020

Between:

Aditya Chavan, S/o Kishore Chavan Age.30 years Occ. Bank Employee R/o. H.No. 5-2-81/82, Jambagh Road Jambagh, Nampally, Hyderabad

...PETITIONER

AND

1. The State of Telangana, Rep by its Principal Secretary, Home Department, Secretariat Bldgs, Saifabad, Hyderabad
2. The Commissioner of Police, Hyderabad.
3. The Asst.Commissioner of Police, Begumpet.
4. The Circle Inspector of Police, Women Police Station, Begumpet
5. The Station House Officer, Women Police Station, Begumpet
6. Smt Jyothi Inspector of Police, Women Police Station, Begumpet.
7. Venkateshwarlu, Constable Women Police Station, Begumpet.
8. Shubhangini Gowli, W/o Aditya Chavan D/o. Athley Gowli, Age. 28 years, Occ. Pvt employee, R/o H No: 1-11-206, Allaudin Building, Begumpet, Hyderabad

...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 a writ, order or direction, more particularly one in the nature of writ of mandamus declaring the action of the respondent No. 2 to 7 in interfering with the life and liberty of the Petitioner by asking Petitioner to attend the Police Station without following due process of law and without following the guidelines of Honourable Apex Court in the case of Arnesh Kumar Vs State of Bihar and D.K.Basu Vs. State of West Bengal, as illegal, arbitrary, capricious and violative of Article, 19, 21 of Constitution of India besides violative of principles of natural justice and consequently direct the respondent No.2 to 7 not to interfere with the life and liberty of the Petitioner without following due process of law or to pass appropriate orders.

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 respondents NO. 2 to 7 not to interfere with the life and liberty of the Petitioner and insist to compromise the matter with the 8th respondent, without following due process of law.

Counsel for the Petitioner: SRI KIRAN PALAKURTHI
Counsel for the Respondent Nos.1 to 5: AGP FOR HOME
Counsel for the Respondent Nos.6 to 8:-------
The Court made the following: ORDER

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.23040 OF 2020

ORDER :

Heard learned counsel for petitioner and learned Assistant Government Pleader for Home.

2. According to petitioner, he married eighth respondent on 19.05.2019. After the marriage, differences arose between the petitioner and eighth respondent. Petitioner now alleges that at the instance of eighth respondent, police are harassing, intimidating and threatening with dire consequences, unless petitioner complies with demands of eighth respondent. According to learned counsel for petitioner, so far, no crime is registered. Therefore, petitioner cannot be called to the police station and cannot be subjected to enquiry without registration of crime.

3. When the matter is taken-up, learned Assistant Government Pleader informs the Court that to-day crime No.127 of 2020 is registered against the petitioner on the complaint lodged by eighth respondent alleging violation of Sections 498-A, 323 and 406 IPC and Sections 3 and 4 of Dowry Prohibition Act.

4. Since crime is already registered, police are required to investigate into the said crime. However in the process of investigation, police are directed to follow principles laid down by the Supreme Court in *Arnesh Kumar* vs.*State of Bihar*[1] and *Rajesh Sharma* vs. *State of Uttar Pradesh*[2].

5. Accordingly, this writ petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed.

1 2014 (8)SCC 273
2 (2018)10 SCC 472

SD/-CH.VENKATESWARULU
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,
1. The Principal Secretary, Home Department, State of Telangana, Secretariat Bldgs, Saifabad, Hyderabad
2. The Commissioner of Police, Hyderabad

3. The Asst.Commissioner of Police, Begumpet.
4. The Circle Inspector of Police, Women Police Station, Begumpet
5. The Station House Officer, Women Police Station, Begumpet
6. One CC to Sri Kiran Palakurthi, Advocate [OPUC]
7. Two CCs to GP for Home, High Court for the State of Telangana at Hyderabad. [OUT]
8. Two CD Copies

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HIGH COURT

DATED:17/12/2020



ORDER

WP.No.23040 of 2020

DISPOSING OF THE WP

WITHOUT COSTS

(10) VLV 21/12/20