

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 25935 of 2014

ORDER :

Heard learned counsel for the petitioners as well as learned Assistant Government Pleader for Home.

The Writ Petition is filed to declare the action of the respondents, particularly the 4th respondent in trying to arrest the petitioners without following due process of law, as illegal and arbitrary.

In view of the limited prayer sought by the petitioners, it is not necessary for this Court, at this point of time, to deal with all the facts except to record the submission of the learned counsel for the petitioners that as a matter of fact, FIR was filed in spite of the fact that divorce was granted and marriage between the 1st petitioner and the 5th respondent was dissolved, in O.P.No. 895 of 2014 on the file of the Family Court, R.R. District at L.B. Nagar, hence, registration of FIR itself is bad.

As quoted above, the prayer in the Writ Petition is limited to the extent of the attempt of Respondents 4 and 5 to get the petitioners arrested. After filing of the Writ Petition on 02.09.2014, the petitioners had filed an Application in Criminal Petition No. 10686 of 2014 seeking anticipatory bail under Section 438 Cr.P.C., which, in fact, came to be granted on 18.09.2014. A perusal of the bail order discloses that the bail was granted till the end of trial. In those circumstances, the relief which the petitioner had claimed in the Writ Petition virtually stands granted by this Court in Criminal Petition No. 10686 of 2014.

As regards the contention of the learned counsel for the petitioners that the FIR itself ought not to have been registered is

concerned, the challenge to the same is pending before this Court in CrI.P.No. 9794 of 2014 and the petitioners are required to workout their remedies therein.

In view of the above, the Writ Petition is closed. No costs.

Consequently, the miscellaneous Applications, if any shall stand closed.

CHALLA KODANDA RAM, J

18th February 2020

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