

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

**THURSDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 34358 OF 2023

Between:

Kode Satyanarayana, S/o. Venteswar Rao, Aged about 56 years, Occ.
Agriculture, R/o. Padekadapa Village, Penumalur Mandal, NTR District,
Andhra Pradesh State.

...PETITIONER

AND

1. The Station House Officer, Women Police Station, Saroornagar, Rachakonda Commissionerate, Saroornagar, Hyderabad.
2. The State of Telangana, Rep. by its Principal Secretary, Home Department, Secretariat, Hyderabad.
3. Unnam Mallikarjuna Rao, S/o. Not known to the Petitioner, Aged about 52 years, R/o. Flat No.504, Vijaya Maruthi Apartment, Green Hills Colony, Kothapet, 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 to declare the action of the Respondent No.1 in intending to entertain the complaint from the 3rd Respondent for registering the FIR relating to the matrimonial disputes between the son of the Petitioner and the daughter of the 3rd Respondent even though no incident is occurred within the territorial limits of the 1st Respondent Police Station and insisting the Petitioner to settle the disputes by complying with the illegal demand of the 3rd Respondent as arbitrary, illegal and without jurisdiction and also violation of Article 14, 21 and 22 of the Constitution of India and contrary to the provisions under Criminal Procedure Code and consequently direct the Respondent No.1 not to entertain any complaint from the 3rd Respondent relating to the matrimonial disputes between the son of the Petitioner and the daughter of the 3rd Respondent at USA due to lack of jurisdiction in the interest of justice.

IA NO: 1 OF 2023

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.1 not to entertain any complaint from the 3rd Respondent relating to the matrimonial disputes between the son of the Petitioner and the daughter of the 3rd Respondent at USA due to lack of jurisdiction pending disposal of the Writ Petition in the interest of justice.

Counsel for the Petitioner: SRI P.NAGENDRA REDDY
Counsel for the Respondent Nos.1 & 2: AGP FOR HOME
Counsel for the Respondent No.3: --

The Court made the following: ORDER

HON'BLE SRI JUSTICE C.V.BHASKAR REDDY

WRIT PETITION No. 34358 of 2023

ORDER:

This Writ Petition is filed seeking the following relief:-

“...to issue a writ, order or direction more particularly one in the nature of writ of Mandamus to declare the action of the Respondent No.1 in intending to entertain the complaint from Respondent No.3 for registering the FIR relating to the matrimonial disputes between the son of the Petitioner and the daughter of Respondent No.3 even though no incident is occurred within the territorial limits of Respondent No.1-Police Station and insisting the Petitioner to settle the disputes by complying with the illegal demand of Respondent No.3 as arbitrary, illegal and without jurisdiction and also violation of Articles 14, 21 and 22 of the Constitution of India and contrary to the provisions under Criminal Procedure Code and consequently direct Respondent No.1 not to entertain any complaint from Respondent No.3 relating to the matrimonial disputes between the son of the Petitioner and the daughter of Respondent No.3 at USA due to lack of jurisdiction...”

2. The case of the petitioner is that his son's marriage was performed with the daughter of respondent No.3 in

U.S.A. at Pulaski Country, Arkansas on 08.11.2022. Soon after the marriage, disputes arose between the son of the petitioner and the daughter of respondent No.3 and they filed case seeking divorce on the file of the Circuit Court of Pulaski County, Arkansas Domestic Relations Division, and the Said Court also granted divorce *vide* Case No.60DR-23-2228, Kode v. Unnam, dated 07.12.2023. It is further case of the petitioner that even after granting the decree, respondent No.3 filed a false complaint against the petitioner and acting on the said complaint, respondent No.1 is frequently summoning him to the police station and confining him for hours together and forcing him to enter into a settlement with the daughter of respondent No.3, who is now presently residing in U.S.A.

3. Learned counsel appearing for the petitioner has vehemently contended that respondent No.1 is not having any power or authority to summon the petitioner and his family members to the police station, confining them for hours together and forcing them to enter into a settlement,

after granting a decree of divorce by the competent Court in U.S.A.

4. Learned Assistant Government Pleader for Home appearing for respondent No.2 has submitted that acting on the complaint submitted by respondent No.3, the petitioner was summoned to the police station for preliminary enquiry and the police never forced him to enter into a settlement.

5. Without expressing any opinion on the validity or otherwise of the decree of divorce obtained by the son of the petitioner at U.S.A. and since it is alleged in the affidavit that respondent No.2 is acting on the complaint of respondent No.3, is summoning the petitioner to the police even without following due process of law, this Court, deems it appropriate to dispose of the writ petition directing respondent No.2, before initiating any action against the petitioner and his family members, to follow the procedure as contemplated under Section 41-A of Cr.P.C. and also the guidelines issued by the Hon'ble Apex Court in **Arnesh**

Kumar Vs. State of Bihar¹, if the presence of the petitioner or his family members for the purpose of investigation. Respondent No.2 is further directed not to insist the petitioner to enter into any settlement/ compromise as per the terms dictated by respondent No.3.

6. With the above observations, this Writ Petition is disposed of

7. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

**SD/- C. PRAVEEN KUMAR
ASSISTANT REGISTRAR**

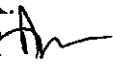
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SECTION OFFICER

To

1. The Station House Officer, Women Police Station, Saroornagar, Rachakonda Commissionerate, Saroornagar, Hyderabad.
2. The Principal Secretary, Home Department, Secretariat, Hyderabad, State of Telangana.
3. One CC to SRI P.NAGENDRA REDDY, Advocate [OPUC]
4. Two CCs to GP FOR HOME, High Court for the State of Telangana, at Hyderabad. [OUT]
5. Two CD Copies

PSK.

GJP 

¹(2014) 8 SCC 273

HIGH COURT

DATED:21/12/2023

ORDER

WP.No.34358 of 2023



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS.**

⑧

MA
8/1/24