

**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: 34406 OF 2023

Between:

Adepu Naveen, S/o. Narahari, Age. 34 Years, Occ. Supervisor in petrol bunk, R/o. H.No.5-2-79, Municipal Area, Metpally Proper and Mandal, Jagtial District.

...PETITIONER

AND

1. The State of Telangana, represented by its Principal Secretary to the Home Department, Secretariat Buildings, Hyderabad.
2. The Superintendent of Police, Nirmal District, Nirmal.
3. The Station House Officer, Khanapur Police Station, Khanapur Proper and Mandal, Nirmal District.
4. Sri. Limbadri, Sub Inspector of Police, Khanapur Police Station, Khanapur Proper and Mandal, Nirmal District.
5. Sri. Prakash, Head Constable, Khanapur Police Station, Khanapur Proper and Mandal, Nirmal District.
6. Adepu @ Ram Rajitha, W/o. Adepu Naveen, D/o. Ram Linga Murthy, Age. 28 Years, Occ. Housewife, R/o. H. No. 24-3, Shanthi Nagar, Khanapur Village and Mandal, Nirmal District.

...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 an order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ declaring the action of the respondents No. 3 to 5, in calling the petitioner to the police station and threatening him to give divorce to the respondent No. 6, by leaving the custody of the minor son to her, otherwise the petitioner has to face dire consequences and music in the hands of them, is nothing but arbitrary, illegal, null and void and violative of Principles of Natural Justice and also violative of Articles 14, 19 and 21 of the Constitution of India. Consequently direct the respondents No. 3 to 5, not to call the petitioner to the police station, not to harass him, thereby not to threaten and pressurize the

petitioner to give divorce to the respondent No. 6 and to leave the custody of the minor son with the respondent No. 6.

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 respondents No. 3 to 5, not to call the petitioner to the police station, not to harass him, thereby not to threaten and pressurize him to give divorce to the respondent No. 6 and to leave the custody of the minor son with the respondent No. 6.

Counsel for the Petitioner: SRI K.VENUMADHAV
Counsel for the Respondent Nos.1 TO 3: AGP FOR HOME
Counsel for the Respondent Nos.4 TO 6: --

The Court made the following: ORDER

HON'BLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION No.34406 of 2023

ORDER:

This writ petition is filed seeking the following relief:-

“...to issue an order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ declaring the action of the respondent Nos.3 to 5 in calling the petitioner to the police station and threatening him to give divorce to respondent No.6 by leaving the custody of the minor son to her otherwise the petitioner has to face dire consequences and music in the hands of them is nothing but arbitrary illegal null and void and violative of principles of natural justice and also violative of Articles 14, 19 and 21 of the Constitution of India and consequently direct the respondent Nos. 3 to 5 not to call the petitioner to the police station not to harass him thereby not to threaten and pressurize the petitioner to give divorce to respondent No.6 and to leave the custody of the minor son with respondent No.6...”

2. The case of the petitioner is that he is the husband of respondent No.6 and their marriage was performed on

15.11.2017 according to the Hindu Rites and Customs. It is further stated that out of wedlock they blessed with a baby boy now aged about five years and thereafter disputes arose between the petitioner and respondent No.6 and now respondent No.6 is residing with her parents. It is further stated that respondent No.6 had lodged a complaint against the petitioner before respondent No.3. The grievance of the petitioner is that at the instigation of respondent No.6, respondent No.3 is frequently summoning him to the police station, confining him for hours together and forcing him to give divorce to respondent No.6 as per the terms dictated by her.

3. Learned counsel appearing for the petitioner has vehemently contended that respondent No.3 is not having any power or authority to interfere into the matrimonial disputes pending between the petitioner and respondent No.6 in any manner and the action of respondent No.3, directing the petitioner to give divorce to respondent No.6 and also execute a settlement deed, amounts to violation of

the petitioner's rights guaranteed under Article 21 of the Constitution of India.

4. Learned Assistant Government Pleader for Home appearing for respondent Nos.1 to 3, on instructions, would submit that acting on the complaint lodged by respondent No.6, the petitioner was summoned to the police station and the police never interfered with the matrimonial disputes except making enquiry on the complaint submitted by respondent No.6. It is further submitted by the learned Assistant Government Pleader that since there are matrimonial disputes between the petitioner and respondent No.6, the police advised them to settle their disputes amicably before the Family Counselling.

5. In view of the above submissions, this Court, deems it appropriate to dispose of the writ petition directing respondent No.3 not to interfere with the matrimonial disputes pending between the petitioner and respondent No.6 and if the presence of the petitioner is required for the purpose of investigation in any case, respondent No.3 is directed to follow the procedure as contemplated under

Section 41-A of Cr.P.C. and the guidelines issued by the Hon'ble Apex Court in ***Arnesh Kumar Vs. State of Bihar***¹.

6. With the above observations, the Writ Petition is disposed of. There shall be no order as to costs.

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

(2014) 8 SCC 273

//TRUE COPY//

SD/- T.JAYASREE
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. The Principal Secretary to the Home Department, Secretariat Buildings, Hyderabad, State of Telangana.
2. The Superintendent of Police, Nirmal District, Nirmal.
3. The Station House Officer, Khanapur Police Station, Khanapur Proper and Mandal, Nirmal District.
4. One CC to SRI K.VENUMADHAV, Advocate [OPUC]
5. Two CCs to GP FOR HOME, High Court for the State of Telangana, at Hyderabad. [OUT]
6. Two CD Copies

PSK.
LS

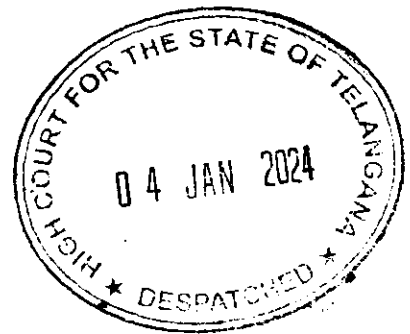
V. S.

HIGH COURT

DATED:21/12/2023

ORDER

WP.No.34406 of 2023



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

⑨ VLV
3/1/24