



HIGH COURT OF ANDHRA PRADESH
TUESDAY ,THE THIRD DAY OF SEPTEMBER
TWO THOUSAND AND NINETEEN

PRESENT

THE HONOURABLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION NO: 12765 OF 2019

Between:

1. Mohan Porey, S/o. Anukul Porey, Aged about 37 years, Business, ' R/o.
11-57-35, 1st Floor,
Moula Panja Street, One Town, Vijayawada, Andhra Pradesh - 520001.

...PETITIONER(S)

AND:

1. The State of Andhra Pradesh, Rep. by its Principal Secretary,
Home Dept., Secretariat Buildings,
Velagapudi, Amaravathi, Guntur District
2. The Station House Officer, Mangalagiri Town Police Station, Guntur
District.
3. The Superintendent of Police, Mangalagiri, Guntur District.
4. Nilima Porey, D/o Sunil Mallik, Joteghnashyam Village, Mosal Chock,
West Medinipur,
West Bengal- 721153

...RESPONDENTS

Counsel for the Petitioner(s): KOLLU RAJASEKHAR

Counsel for the Respondents: GP FOR HOME (AP)

The Court made the following: ORDER



HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION NO.12765 OF 2019

ORDER:

This is a Writ of *Mandamus* filed by the petitioner/husband against the un-official 4th respondent and three official respondents, seeking for a direction to the respondents 1 to 3 not to interfere with the personal life and liberty of the petitioner by calling him to the Police Station and retaining him for hours together.

2. Heard the arguments of learned counsel for the petitioner and learned Government Pleader for Home.

3. Learned counsel for the petitioner submits that the petitioner has filed a Divorce Petition vide (FCOP) Mat Suit No.320 of 2019 on the file of Additional District Judge, 5th Court, Paschim, Medinipur, West Bengal on 18.06.2019 against the 4th respondent. The next date of hearing is 04.09.2019.

It is the case of the petitioner that on 02.07.2018 a panchayat was held before family elders at Kolkata and an understanding was reached between the parties that the 4th respondent has to look after the welfare of the daughter, and the petitioner and the 4th respondent have to live separately and the terms and conditions have been reduced into writing. Thereafter the petitioner had filed FCOP referred above for divorce. Thereafter, 4th respondent has lodged a complaint against the petitioner in Mahila Police Station, Vijayawada by violating the terms in the MOU as agreed during conducting Panchayat by the elders.



In fact, the petitioner is doing a private business and paying maintenance to the 4th respondent and to his daughter regularly, even then the 4th respondent is claiming the properties belonging to the petitioner and bringing pressure on him for transfer some of the assets in her name which are situated at Vijayawada. In that connection, she lodged a complaint before police, and on 10.08.2019 the 2nd respondent-Station House Officer, Mangalagiri Town Police Station, forcibly took the petitioner to the Police Station, and confined him illegally in the police station. Whenever the brother of the petitioner came to the Police Station to enquire about the petitioner, the 2nd respondent is informing that the petitioner was not in his custody. It is further case of the petitioner that the 2nd respondent has not issued any arrest intimation to the relatives of the petitioner, and though he filed a Writ of Habeas Corpus petition before this Court vide W.P.No.11374 of 2019 on 14.08.2019, and on 21.08.2019, the same was closed as police informed that the petitioner was moving in the society freely.

4. The main grievance of the petitioner is that the 2nd respondent has retained the petitioner in Mangalagiri Police Station and forced him to register his property in the name of 4th respondent.

5. Having regard to the facts and circumstances of this case, it is obvious that there is a matrimonial dispute between the petitioner and the 4th respondent. As there are allegations against the police that the 2nd respondent is calling the petitioner to the Police Station, Habeas Corpus petition was filed before this Court



and subsequently it was closed. It is also obvious that under the name of 'Spandana' programme the police are calling the petitioner and 4th respondent to the Police Station, and police are trying to settle the matter amicably. There is *prima facie* material in this case, to come to a conclusion that, the police are trying to settle the matters between the parties. In that process, there is every likelihood of police calling the petitioner to the Police Station in the name of settling the matter. If the petitioner is not interested to settle the matter, the police should have left that matter at that stage. It appears that the matter has gone or beyond, and now, the petitioner has approached this Court by way of filing a writ petition that the police are interfering in his personal life and liberty.

6. In the light of the facts and circumstances of this case, it is high time to note that the police are not expected to interfere in the matrimonial or civil disputes, unless there is any law and order problem. There are specific Forums created for the purpose of resolving matrimonial and civil disputes. The police have to direct the parties to go to those Forums for settlement of their disputes.

7. With the above observations, the Writ Petition is disposed of. No order as to costs.

Miscellaneous Petitions, if any pending, shall also stand closed.

Date: 03-09-2019
Gvl

G. SHYAM PRASAD, J



HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION NO.2508 OF 2018

Date : - 06-2019

Gvl