

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

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE DR. JUSTICE SHAMEEM AKTHER

WRIT PETITION NO: 4599 OF 2022

Between:

1. Rishitha @ Rizwana Begum,, W/o. Chibbidi Sai Teja, D/o. Shaik Mohammad, Aged about. 21 Years, Occ. Household, R/o. H.No. 3-91/2, OLA, Kuntala, Adilabad, Telangana-504 109.
2. Chibbidi Sai Teja,, S/o. Chibbidi Ramchander, Aged about. 21 Years, Occ. Business, R/o. H.No. 3-91/2, OLA, Kuntala, Adilabad, Telangana-504 109.

...PETITIONERS

AND

1. The State of Telangana, Rep. by its Principal Secretary (Home), Secretariat Building, Hyderabad
2. The Director General of Police, State of Telangana, at Hyderabad,
3. The Superintendent of Police, Nirmal District.
4. The Station House officer, Kuntala 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 any Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents more particularly respondent no.2 to 4 in interfering in personal life and liberty of petitioners, their family members, friends and witnesses of the marriage and trying to confine them as illegal, arbitrary, and in violation of Articles 14, 21 and of Constitution of India besides in violation of principles of natural justice and consequently direct the respondents more particularly respondent no.2 to 4 not to interfere into personal life and liberty of the petitioners, their family members, friends and witnesses of the marriage.

IA NO: 1 OF 2022

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 more particularly respondent no.2 to 4 to provide necessary security and protection to the Petitioners pending disposal of the above writ petition.

Counsel for the Petitioners: SRI. BOMMINENI VIVEKANANDA

Counsel for the Respondents: GP FOR HOME

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.4599 of 2022

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners, wherein, the follower prayer is made:

"...to issue any Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents more particularly respondent no.2 to 4 in interfering in personal life and liberty of petitioners, their family members, friends and witnesses of the marriage and trying to confine them as illegal, arbitrary, and in violation of Articles 14, 21 and of Constitution of India besides in violation of principles of natural justice and consequently direct the respondents more particularly respondent no.2 to 4 not to interfere into personal life and liberty of the petitioners, their family members, friends and witnesses of the marriage and pass such other order or orders..."

2. Heard the learned counsel for the petitioners, learned Assistant Government Pleader for Home appearing for the respondents and perused the record.

3. Learned counsel for the petitioners would submit that both the petitioners herein belong to same village and studied together. They loved each other. When the family members of petitioner No.1 started searching alliance for petitioner No.1, she informed them that she is in love with petitioner No.2 and wants to marry him. Since the family members of petitioner No.1 did not heed to her request and started harassing her, she escaped from the house and married the petitioner No.1 on 18.01.2022 at Arya Samaj, Shradhabad-II, Hyderabad. Thereafter, respondent No 4/SHO, Kuntala Police Station, started harassing the family members and friends of petitioner No.2 by calling

them to the police station and making them to sit from morning till late night under the guise of knowing the whereabouts of the petitioners, which is illegal, arbitrary and ultimately prayed to allow the writ petition as prayed for.

4. The copies of AADHAR cards and the Secondary School Certificates of both the petitioners filed as material papers demonstrate that the petitioners are majors. The petitioners also filed their marriage photograph as well as a copy of their Marriage Certificate, dated 18.01.2022, which demonstrate that both of them got married at Arya Samaj, Shradhabad-II, Hyderabad, on 18.01.2022. The allegation of the petitioners is that the respondent-police are harassing the friends and family members of petitioner No.2. In the course of submissions, it is brought to the notice of this Court by the learned Assistant Government Pleader for Home that a case in Crime No.7 of 2022 for 'woman missing' has been registered by Police, Kuntala, in relation to the subject matter of this writ petition and the said case is under investigation.

5. As seen from the material placed on record, both the petitioners are majors and have performed marriage on 18.01.2022 at Hyderabad. Under these circumstances, the respondents-police shall not cause any interference with the personal life and liberty of the petitioners in any manner, whatsoever.

6. At this stage, the learned Assistant Government Pleader for Home requested this Court that since a 'woman missing' case

is registered, statements of the petitioners are required to be recorded. In view of the said request, the petitioners are directed to cooperate with respondent No.4/SHO, Kuntala Police Station, Nirmal District, for recording their statements.

7. With the above observations/directions, this writ petition is disposed of.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

SD/-P.PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary (Home), State of Telangana, Secretariat Building, Hyderabad
2. The Director General of Police, State of Telangana, at Hyderabad,
3. The Superintendent of Police, Nirmal District.
4. The Station House officer, Kuntala Mandal, Nirmal District.
5. One CC to SRI. BOMMINENI VIVEKANANDA Advocate [OPUC]
6. Two CCs to GP FOR HOME, High Court for the State of Telangana. [OUT]
7. Two CD Copies
8. One Spare Copy.

GB

HIGH COURT

DATED:31/01/2022

ORDER

WP.No.4599 of 2022



DISPOSING OF THE WP
WITHOUT COSTS.

AFM (10)
11/2/2022