
(2021) 12 MP CK 0053
In the Madhya Pradesh High Court
Case No : Writ Petition No. 27638 Of 2017

Hari

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 16-12-2021

Acts Referred:

Constitution Of India, 1950 — Article 226
Code Of Criminal Procedure, 1973 — Section 125

Citation : (2021) 12 MP CK 0053

Hon'ble Judges : S. A. Dharmadhikari, J

Bench : Single Bench

Advocate : Kamal Singh Rajput, Gulab Kali Patel

Final Decision : Dismissed

Judgement

S. A. Dharmadhikari, J

By filing this petition under Article 226 of the Constitution of India, the petitioner has not been challenged any particular order but seeks a direction to the respondent nos.1 to 5 to protect the rights with regard to livelihood of the petitioner as well as his wife Rama Bai and they be directed not to harass, humiliate and demoralize them without conducting any proper inquiry at the instance of respondent no.6.

The brief facts are that the respondent no.6 is the wife Ravindra, son of petitioner. She had filed an application under section 125 of CrPC on 20.6.2016 before the Family Court against her husband (Ravindra), which was registered as MJC No.268/2016 and the same has been dismissed vide order dated 6.12.2017. Being aggrieved, Criminal Revision No.3898/2017 was filed before this Court and the same has been sent for mediation. Whereabouts of the son Ravindra is not known, therefore, the respondents/police authorities quite often come to the peittioner's place and take him along with his wife to the police station and keep on harassing and humiliating. The police keep on asking the whereabouts of his

son, which affects their fundamental rights. In such circumstances, direction may be issued to respondent nos.1 to 5 not to harass the petitioner.

On the other hand, learned counsel for the State, on instructions, submitted that not on a single occasion, the petitioner or his wife was called or harassed by the police authorities. It is the duty of the authority to conduct the investigation in proper and fair manner. No complaint whosoever has been lodged by the petitioner but he has filed the writ petition directly before this Court. In such circumstances, no direction can be issued.

This Court finds force in the submissions of the learned counsel for State. Therefore, this Court is not inclined to entertain this writ petition. The same is hereby dismissed in limine.

However, the petitioner is at liberty to approach the concerned authority/ Superintendent of Police, District Khandwa, if occasion so arises.