

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.34059 of 2015

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ORDER:

The grievance of the petitioner was that the Station House Officer, Rural Police Station (Law & Order) Nellore, SPSR Nellore District, was trying to dispossess him from the subject land which is covered by an agreement of sale dated 18.07.2007. A further allegation was made that the police authorities were trying to register crimes against the petitioner at the instance of the fourth and fifth respondents.

In the light of the order proposed to be passed by this Court which has no adverse impact on the fourth and fifth respondents, it is not necessary to put them on notice.

The Station House Officer, Nellore Rural Police Station, SPSR Nellore District, furnished written instructions dated 26.10.2015 to the Office of the learned Government Pleader for Home stating that the fourth respondent had lodged a complaint against the petitioner. Thereupon, Crime No.365 of 2015 was registered under Sections 447, 290 and 506 IPC read with Section 34 IPC on the file of Nellore Rural Police Station. The petitioner and four others were stated to be arrayed as the accused therein. Upon taking up investigation in the said crime, the police were stated to have examined five witnesses and the investigation is still ongoing. The Station House Officer further stated that he never tried to dispossess the petitioner from the subject land.

The afore-stated stand of the police authorities, as set out in the written instructions furnished by the Station House Officer, Nellore Rural Police Station, is duly taken on record.

In the light thereof, the Writ Petition is disposed of directing the police authorities to be mindful of the manner in which they proceed in Crime No.365 of 2015. No doubt, any criminal activity arising out of a civil dispute would necessarily have to be addressed by the police authorities. However, it would not be open to them to exceed their limits and interfere in the civil dispute itself. The police authorities would also be bound to follow the due procedure prescribed by law while investigating the crime and taking consequential action thereafter.

Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

3rd NOVEMBER, 2015.

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