

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

* * * *

WRIT PETITION No.5847 OF 2012

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Between:

Ch. Madhava Reddy and another

.. Petitioners

And

The Deputy Commissioner of Police,
L.B. Nagar Zone, Cyberabad, and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 12-08-2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals | Yes/No |
| 3. Whether Their Lordship wish to
see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.5847 of 2012

ORDER:

The complaint of the petitioners in this case was that the police

authorities were interfering with their possession over an extent of Ac.0-11 guntas in Sy.No.19 of Jillelguda Village, Saroornagar Mandal, Ranga Reddy District, at the instance of the fourth respondent.

By order dated 02.03.2012, this Court directed the police authorities not to interfere with the said property as it was already the subject matter of O.S.No.152 of 2009 on the file of the learned VII Additional Senior Civil Judge, Ranga Reddy District.

Relying on the written instructions dated 12.08.2015 furnished by the Sub-Inspector of Police, Meerpet Police Station, Cyberabad, the learned Assistant Government Pleader for Home informed this Court that the fourth respondent lodged a complaint on 10.12.2011 with the Meerpet Police Station alleging that the petitioners and others tried to trespass into his land in Sy.Nos.19 and 20 in Jillelguda Village, Saroornagar Mandal, Ranga Reddy District. Basing on the said complaint, Crime No.599 of 2011 was stated to have been registered on the file of the said Police Station under Sections 427 and 447 I.P.C. While the matter was under investigation, the petitioners were stated to have filed W.P.No.7043 of 2012 before this Court and obtained stay of all further proceedings, including their arrest, pursuant to the registration of Crime No.599 of 2011.

The learned Assistant Government Pleader for Home stated that the petitioners' contention that the police authorities interfered with their peaceful possession over the land admeasuring Ac.0-11 guntas in Sy.No.19 of Jillelguda Village was factually incorrect. According to him, the police authorities only registered a crime upon the complaint made by the fourth respondent and never interfered with the civil dispute pending between the petitioners and the fourth respondent. He however conceded that pursuant to the crime registered against the petitioners, the police authorities did visit the scene of the offence, the subject land, for the purpose of investigation.

Sri Venkat Reddy Thipparthi, learned counsel for the fourth respondent, stated that the suit, O.S.No.152 of 2009, is still pending on

the file of the trial Court.

The petitioners are arrayed as the accused in Crime No.599 of 2011 which was registered on the file of Meerpet Police Station, Cyberabad, upon the complaint lodged by the fourth respondent. The police authorities would be bound to investigate the matter once a crime is registered. However, as the petitioners are stated to have obtained stay of all further proceedings in the said crime by filing a writ petition before this Court, there is no question of the police authorities proceeding further in the matter as long as the said stay order continues to operate. Insofar as the civil dispute between the petitioners and the fourth respondent is concerned, the same is stated to be the subject matter of O.S.No.152 of 2009 pending on the file of the learned VII Additional Senior Civil Judge, Ranga Reddy District. That being so, the stand of the police authorities that they never interfered with the said civil dispute is taken on record.

In view of the above developments, no cause survives for adjudication in this writ petition at this stage. In the event the stay order granted by this Court is vacated, the police authorities would be at liberty to continue their investigation in Crime No.599 of 2011. Needless to state, they would be bound to abide by the due procedure laid down by law in connection therewith.

Subject to the above observations, the writ petition is closed.

Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

JUSTICE SANJAY KUMAR

12th August, 2015

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