

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.35003 of 2015

ORDER:

The grievance of the petitioners was that the police authorities did not complete the investigation in all the cases registered on their complaints against respondents 4 to 31 and failed to give protection to their life and property, being an extent of Acs.5.27 cents in R.S.No.4/1A1A of Chillaboyinapalli Village, Musunuru Mandal, Krishna District.

Smt. K.Sesharajyam, learned Senior Counsel appearing for the petitioners, stated that the subject-land was identified and demarcated pursuant to the orders of the Collector, Krishna District, and was handed over to the petitioners. The Tahsildar had stated in his letter dated 04.03.2015 addressed to the Station House Officer, Musunuru Police Station, Musunuru, that some mischief mongers were interfering with the possession of the petitioners and requested that police protection may be provided.

The Inspector of Police, Nuzvid Circle, Krishna District, furnished written instructions dated 03.11.2015 to the office of the learned Government Pleader for Home, wherein he stated that three crimes had been registered on the file of Musunuru Police Station basing upon the petitioners' complaints - Crime Nos.27, 34 and 40 of 2015. Insofar as Crime No.27 of 2015 is concerned, it was stated that the investigation was completed and a charge sheet was laid before the learned I Additional Judicial First Class Magistrate, Nuzvid, and was pending trial vide C.C.No.715 of 2015. As regards the other two crimes, it was stated that the police were still in the process of investigating the same. The Inspector of Police further stated that an enquiry was being made as to the threat faced by the petitioners and steps would be taken to provide them protection if necessary.

Smt. K.Sesharajyam, learned Senior Counsel, stated that she does not press the writ petition against respondent Nos.4 to 31 inasmuch as no relief is being sought against them. Further, in the light of the order proposed to be passed by this Court which is not on the merits of the disputes, if any, between the petitioners and the unofficial respondents, this Court sees no reason to put the said respondents on notice.

Section 149 Cr.P.C. empowers the police to interpose for the purpose of preventing the commission of any cognisable offence. In that view of the matter, as the petitioners state that they are interested in fencing the land allotted to them by the revenue authorities, it shall be open to them to give notice of the same to the revenue as well as the police authorities before doing so. In the event the revenue authorities confirm that the fencing by the petitioners is being done in accordance with the allotment made by the Tahsildar, Musunuru, as recorded in his proceedings dated 04.03.2015 and if the said proceedings have not been upset or set aside by a superior authority or a Court of law, the police authorities shall take suitable steps in terms of Section 149 Cr.P.C. in the event there is threat of any cognisable offence being committed. As the police authorities have already stated that they are in the process of investigating the other two crimes, no direction is required in that regard at this stage.

The writ petition is accordingly disposed of.

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

SANJAY KUMAR, J

Date:09.11.2015

GJ

