

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.27644 of 2012

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue writ of Mandamus to declare the inaction of respondents nos. 1, 2 and 3 pursuant to representation dated 14/08/2012 of the petitioner, as being illegal, arbitrary and unconstitutional.”

Heard Sri V. Venkata Mayur, learned counsel for the petitioner, learned Government Pleader for Home for respondents 1 to 4 and Smt.T. Sunitha, learned counsel for the 5th respondent, apart from perusing the material available before this Court.

A counter-affidavit is filed by the Inspector of Police, Mangalhat Police Station, Hyderabad and paragraph Nos.5 and 6 of the counter-affidavit read as under:

“5. It is respectfully submitted that upon receipt of the representation through post, immediately an entry was made into the General Diary on 29-08-2012 stating that after conducting preliminary enquiry, necessary steps will be taken on a representation. A preliminary enquiry was conducted. In the preliminary enquiry, it was revealed that the dispute of the petitioner herein as well as the 6th respondent herein is purely civil in nature with regard to money transactions and hence this respondent police is no way concerned with their civil disputes. Since the dispute of the petitioner is purely civil in nature, no action was taken on the representation dated 14-08-2012 which was marked to this respondent Police Station.

6. It is respectfully submitted that the petitioner on the one hand stated that the r. police are interfering in the civil matters and on the other hand, the respondent police have not taken any action on his representation dated 14-08-2012. I submit that the petitioner is unnecessarily trying to drag the respondent police into his personal and civil matters. I humbly submit that many a time, this Hon'ble Court categorically held that the police shall not interfere into the civil matters. I submit that due to vengeance against the 6th respondent herein in dealing with the business transactions, the petitioner has unnecessarily dragged the respondent police into their disputes and made baseless allegations. Hence the writ petition deserves no considerations.”

While referring to the averments made in the counter-affidavit it is submitted by the learned counsel for the petitioner herein that the action of the

police is illegal and petitioner herein may be permitted to avail the remedies open to him under the provisions of the Cr.P.C.

In view of the above submission, the writ petition stands disposed of, keeping it open for the petitioner herein to avail the remedies open to him under the provisions of Cr.P.C. if he is so advised.

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

A.V. SESA SAI, J

November 16, 2015

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