

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.41334 of 2014

ORDER:

Heard.

The petitioners state that they have purchased a house bearing door No.32-11-1A situated at Mogalrajpuram, Vijayawada, Krishna District from the 6th respondent in the month of January, 2006 under an Agreement of Sale-cum-General Power of Attorney, dated 06-01-2006. It is also stated that the said Agreement of Sale-cum-General Power of Attorney was duly registered with Sub-Registrar, Patamata, Krishna District, vide document No.66 of 2006, dated 06-01-2006 and subsequently, the 6th respondent executed a regular sale deed in the month of October, 2008, which is also registered as Document No.5731 of 2008. It is however alleged by the petitioners that respondents 6 and 7 with an intention to grab the house property, which was sold to them, demanded to pay additional amount and the said dispute is clearly of civil in nature. While so, it is alleged that respondents 4 and 5, who are police officials, are interfering with the said civil dispute. The present writ petition is filed alleging that respondents 4 and 5, at the instance of respondents 6 and 7, are threatening and forcing the petitioners to settle the dispute with the unofficial respondents pertaining to the aforesaid house.

The instructions received by the learned Government Pleader show that on the basis of the complaint received from the 6th respondent on 26-12-2014, a case in Cr.No.898 of 2014 for the offences punishable under Sections 420 and 506 IPC read with Section 3(1)(x) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, is registered against the 1st petitioner on the same day and the same is under investigation by the

4th respondent. However, so far as the civil dispute as alleged by the petitioners is concerned, their allegation that they are being threatened and forced to settle the dispute with respondents 6 and 7 is denied. It is also stated that respondent police are maintaining law and order and in order to keep peace and tranquillity in the area, they have visited the house in question, which does not mean interference and harassment by the respondent police. Since the complaint was received from the 6th respondent, the respondent police merely registered the case as stated above and the same is under investigation.

In view of the aforesaid instructions, it is evident that crime aforesaid is under investigation and so far as the civil dispute pending between the petitioner and respondents 6 and 7 is concerned, obviously respondents 4 and 5 are not concerned with the same and they have also denied that they have threatened or pressurized the petitioners to settle the dispute with unofficial respondents.

Hence, the writ petition is disposed of directing respondents 4 and 5 to confine their investigation to Cr.No.898 of 2014 and take appropriate steps regarding the said investigation and after completing the investigation, file necessary report/charge-sheet before the jurisdictional Magistrate.

Accordingly, the Writ Petition is disposed of. No order as to costs.

The miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 27-01-2015

Prv

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