

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

WRIT PETITION No.27319 of 2015

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ORDER:

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

“To issue Writ of Mandamus, order or orders, direction or directions declaring the action of the 2nd Respondent by harassing the Petitioner by calling the Petitioner to appear before him for settling the civil disputes as illegal, arbitrary and unconstitutional and consequently direct the 2nd Respondent not to harass the Petitioner by calling the Petitioner to appear before him for settling the civil disputes pass such other order.”

2. When the matter is called today, written instructions dated 01.09.2015, furnished by the Deputy Superintendent of Police, Mahabubnagar Sub Division, Mahabubnagar District, have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“The facts of the case are that one Balaswamy lodged a complaint on 30.7.2015 with the Station House Officer, Bhootpur police station, Mahabubnagar District, stating that the complainant and one Kuruva Srisailam purchased the land in Sy.Nos. 194 and 195/E, situated at Patamalgara village from the petitioner and paid full sale consideration of Rs.14,92,000/- on various dates. The petitioner evading to register the document in favour of the complainant and Kurua Srisailam. Thus the petitioner herein cheated by receiving huge amounts from the complainant and another. The complainant requested the police to take necessary action.

It is submitted that basing on the said complaint a case in Cr.No. 162/2015 dated: 30.7.2015 U/s. 420 IPC has been registered against the petitioner herein on the file of Bhootpur police station, Mahabubnagar District and investigation has been taken up.

It is respectfully submitted that during the course of investigation five witnesses have been examined and recorded their detailed statements. All the witnesses corroborated the contents of the FIR.

It is submitted that the petitioner herein is required for the purpose of investigation, but she instead of cooperating with the investigating agency filed the above writ petition with baseless allegation to divert the attention of the investigating agency.

It is submitted that when the petitioner/accused is not available in the village, hence the question of harassing and calling her does not arise. The matter is under investigation and after finalizing an appropriate report will be submitted before the concerned Hon'ble Court as expeditiously as possible.

It is respectfully submitted that the contention of the petitioner that the 2nd respondent-Deputy Superintendent of Police, Mahabubnagar Sub Division harassed, called the petitioner to his office for settling the civil dispute and if the dispute is not settled the police will implicate her in false case is false, hence denied.

It is incorrect to say that on 16.8.2015 the 2nd respondent asked the petitioner to come to their office to settle the issue. Hence denied.

It is submitted that the above writ petition has been filed only to escape from the criminal liability. The writ petition is devoid of merits and liable to be dismissed.”

3. On noticing the said written instructions, learned counsel for the petitioner requested this Court to dispose of the writ petition by recording the said written instructions.

4. In view of the above, the writ petition stands disposed of, by recording the written instructions dated 01.09.2015, furnished by the Deputy Superintendent of Police, Mahabubnagar Sub Division, Mahabubnagar District.

5. Miscellaneous petitions pending consideration, if any, in the writ petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

03rd September, 2015

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