

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

WRIT PETITION No.23837 of 2015

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 action of the 2nd respondent in interfering with the Civil Dispute and calling the petitioner to the police station regularly is illegal, arbitrary and violative of Article 21 of the Constitution of India and consequently direct the 2nd respondent not to interfere with the civil dispute and not to harass the petitioner by calling him to the police station.”

Heard Sri Ch. Ravinder, learned counsel for the petitioner and learned Government Pleader for Home for respondents, apart from perusing the material available before this Court.

Today, when the matter is called, written instructions, dated 05-08-2015 furnished by the Sub-Inspector of Police, Narsingi Police Station, Ranga Reddy District have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“The petitioner herein had approached the Police of Narsingi Police Station and lodged a complaint with it on 21.7.2015 stating that he is the owner and possessor of land in [Sy.No.67](#) admeasuring Ac.6.22 gts situated at Nekanampur village that the same has been acquired by under a registered AGPA vide doc.No.6865/06 from its original owner Khaje Bee and others. Since then he has been in peaceful possession and enjoyment of the same. Later, third parties who are strangers to the said property are trying to interfere with his possession, then he filed a suit against Vindhya Developers rep.by N.Rami Reddy and Venkaeswasrlu vide O.S.No.22/2010 and the same was dismissed. Later, he preferred an appeal vide CMA No.83/2010 in that CMA, the Hon'ble Addl.District Judge was pleased to granted status quo orders in his favour and the same is subsisting. While the matters stood thus, on 20.7.2015 at about 0300 hrs some henchmen of Ram Reddy and some unsocial elements have criminally trespassed into the above said land and damaged the watchmen room with JCB and stolen 2 tulas gold and net cash from watchmen room. Hence he requested the police to take necessary action as per law.

Basing on the contents of the above complaint, a case in Cr.No.350/2015 U/secs.447, 427, 379 IPC was registered on the file of Narsingi Police Station, Cyberabad Commissionerate on 21.07.2015 and investigation was taken up. The unofficial respondents 4 and 5 herein are shown as accused in the FIR.

While the matters stood thus, one Mr.Amarender Reddy, son of

Kanga Reddy, resident of Rajendranagar, Cyberabad had approached the Police of Narsingi Police Station and lodged a complaint with it on 24.7.2015 stating that one Mr.Mohd.Afzar -the petitioner herein and others have criminally trespassed into the complainant's land in [Sy.No.67](#) admeasuring 4 acres 22 guntas, situated at Neknampur village and removed the khadies and damaged the fencing wire, abused in filthy language and insult with an intention to provoke breach of peace. Hence, requested the police to take necessary action as per law.

Basing on the contents of the above complaint, a case in Cr.No.361/2015, U/secs.447, 427, 504 r/w 34 IPC was registered on the file of Narsingi Police Station, Cyberabad on 24.7.2015 and investigation was taken up. The petitioner herein is shown as accused in the above FIR.

It is respectfully submitted that both the above 2 crimes are under investigation. Necessary steps will be taken against the accused concerned in the above 2 crimes depending on the evidence adduced during the course of investigation.

I humbly submit that the petitioner is required in connection with [Cr.NJo.361/2015](#) registered against him. With regard to Cr.No.350/2015 registered on the complaint of the petitioner herein, he has to cooperate with the investigating agency in support of his complaint by producing the relevant documentary evidence.

I humbly submit that the allegation of the petitioner that the 2nd respondent is calling him to the police station and threatening him to withdraw his case and also settle the matter with the unofficial respondents herein by selling the property for the amount as fixed by them is absolutely false, baseless and hence denied. The allegation of the petitioner that on 27.7.2015 they have called him to the police station and forced him to sit from morning to evening and pressurized him to compromise the matter with the unofficial respondents and withdraw the civil and criminal cases, otherwise he has to face serious consequences is also false and hence denied.

The further allegation of the petitioner that he had received several calls from the 2nd respondent police station asking him to come to the police station for settlement with the unofficial respondents is utterly false and hence denied.

It is pertinent to submit that the petitioner is required in connection with Cr.No.361/2015 U/secs.447, 427, 504 r/w 34 IPC. Unless and until, he cooperates with the investigating agency in both the above two crimes, it cannot be proceeded with further course of action. This respondent personal enquiry revealed that to escape from the criminal liability in Cr.No.361/2015 (wherein the petitioner was accused), approached this Hon'ble Court and filed the present writ petition by suppressing all the real facts. No credence can be given to the allegations made by the petitioner herein.

If any interim orders are passed when both the investigation of the above crimes are under hectic progress to find out the guilt of the real accused, there is every chance that the petitioner (alleged accused in Cr.No.361/2015) may not cooperate with the investigating agency.”

On noticing the above said instructions, learned counsel for the petitioner has requested this Court to record the said instructions and close the writ petition.

In view of the above, the writ petition stands disposed of, by recording the written instructions, dated 05-08-2015 furnished by the Sub-Inspector of Police, Narsingi Police Station, Ranga Reddy District.

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

August 07, 2015

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