

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

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WRIT PETITION No.30523 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 a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in interfering with and threatening the petitioner to make the settlement of payment with respondent No.4 or his finance Companies i.e. Sneha Finance company and Siri Financiers, Situated at Vijayawada, Krishna District as illegal, arbitrary, without jurisdiction and also violation of Articles 21 of the Constitution of India and consequently direct the 3rd respondent not to call, harass and threaten the petitioner for making the settlement of payment with 4th respondent or his finance companies i.e. Sneha Finance Company and Siri Financiers, Situated at Vijayawada, Krishna District and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. When the matter is called today, written instructions dated 23.09.2015, furnished by the Circle Inspector of Police, Srirampur, Adilabad District, have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“It is respectfully submitted that as per the records, the facts of the case are as follows:-

One Mr.B.Srinivasa Rao, Managing Partner of Siri Financiers, situated at D.No.67-2-5, Darsipeta, Patamata, Vijayawada of Krishna District had approached the Police of Srirampur Police Station, Adilabad District and given a written complaint stating that the petitioner herein on 5.1.2012 has hypothecated his TATA 2004 model 10 tyres lorry bearing no.AP-37-W-1445 into their finance company and obtained loan amount of Rs.6,21,762/- he had paid the installments from 6.2.2012 upto 27.5.2014 into their finance company for Rs.2,48,000/- and the remaining balance has to be paid an amount of Rs.3,73,762/- and that the petitioner has paid the last instalment on 27.5.2014 and when they

demanded him to pay the installments every month he failed to pay the amounts and drag on the same day by day and when they enquired the petitioner has sold away the hypothecated lorry in the scrap. The amount was spent away and he cheated their finance company. Hence, he requested the police to enquire into the matter and take necessary action against the petitioner herein in accordance with law.

Upon receipt of the said petition, to know the veracity in the contents of the complaint, the police of Srirampur called the petitioner over phone but he did not respond to it. Since the dispute of the complainant-4th respondent herein is purely civil in nature, immediately advised him to settle the matter in a competent court of law. But no action whatsoever was taken on the said complaint.

It is submitted that the allegations of the petitioner that the 3rd respondent called him to the police station on 5.9.2015 and asked him to settle the dispute with the 4th respondent and pay the amount and he represented the facts before this respondent and shown the payment receipts and requested not to insist and interfere with their civil dispute but this respondent threatened him to take serious action unless he settle the payment and pay the amount to the 4th respondent and he send him out and thereafter he has been calling the petitioner over cell phone and threatening him continuously to make settlements with the 4th respondent, otherwise this respondent would take serious action against him and due to the high handedness, illegal action of the 3rd respondent, he and his family members are very much afraid is absolutely false, baseless and hence the same are denied.

It is pertinent to submit that except to know the veracity in the contents of the complaint of the 4th respondent herein, this respondent contacted the petitioner over phone but he has not given any response. Except the above, this respondent never summoned the petitioner to the police station nor asked him to settle the issue with the 4th respondent and to pay amounts. This respondent also never threatened him as alleged.

It is pertinent to submit that the dispute of the petitioner as well as the 4th respondent is purely money transaction relating to civil in nature and hence the respondent police is no way concerned with it. As a precautionary measure to prevent the police from taking any action in the event of lodging of any complaint in future, the petitioner rushed to this Hon'ble Court and filed the present writ petition on mere apprehension."

3. On noticing the said instructions, learned counsel for the petitioner requested this court to dispose of the writ petition by recording the written instructions.
4. In view of the above, writ petition is disposed of, by recording the written instructions dated 23.09.2015, furnished by the Circle Inspector of Police, Srirampur, Adilabad 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

28th September, 2015
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