

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.Nos. 20676 of 2013 and 4594 of 2014

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COMMON ORDER:

Both these writ petitions are filed by the same petitioner and the relief sought for is almost similar seeking a direction to the respondent police not to interfere with the civil dispute pending between the petitioner and the third party.

I have heard the learned counsel for the petitioner, learned Government Pleader for Home appearing for the official respondents in both the writ petitions, Sri K.V.Subba Reddy, learned counsel appearing for respondents 4 and 5 in W.P.No.4594 of 2014 and the 3rd respondent in W.P.No.20676 of 2013 and Sri K.Venu Madhav, learned counsel appearing for the 8th respondent in W.P.No.4594 of 2014.

The dispute appears to be with regard to immovable property admeasuring 510 sq. yards being house bearing No.1-6-21 situated at Balaji Nagar, Jagityala Town, Karimnagar District, belonging to the petitioner. The petitioner states that he had entered into an agreement with the 8th respondent in W.P.No.4594 of 2014 for a valuable consideration and only part payment was made. However, the 8th respondent is stated to have pressurized the petitioner to execute sale deed without making balance payment. At the instance of the 8th respondent, police officials are allegedly pressurizing the petitioner to execute sale deed. Therefore, the petitioner filed W.P.No.20676 of 2013 seeking directions to the official respondents not to interfere with the civil dispute pending between him and others and not to call the petitioner and his family members to the police station and threaten them to register sale deed and settle the civil dispute. The said writ petition came up for hearing on 16-07-2013 and while admitting the writ petition, this court granted interim direction to respondents 2 and 3 therein not to call the petitioner to the police station without there being a crime registered against him.

It is on record that by the time the said order was passed by this Court, it

appears that a case in Cr.No.171 of 2013 was already registered against the petitioner on 12-07-2013 and he is stated to have been arrested on 16-12-2013 and was subsequently produced before the learned Magistrate, Jagtial and remanded and thereafter, the petitioner was released on bail. Subsequent to that, the petitioner states that another crime No.33 of 2014 is stated to have been registered against him by Jagtial Police Station on 29-01-2014 and during investigation in the said crime, he is stated to have been arrested by the 3rd respondent in W.P.No.20676 of 2013, who is also impleaded as the 5th respondent in W.P.No.4594 of 2014, at Hyderabad.

The petitioner further states that having taken the petitioner into custody in Cr.No.33 of 2014, the petitioner was forced to execute a sale deed dated 01-02-2014 being document No.488 of 2014 and according to the petitioner, he was forced to execute the sale deed at the instance of the 8th respondent as well as police officials.

On the said subsequent events, the petitioner filed W.P.No.4594 of 2014 seeking a declaration that the action of respondents 4 to 6 in forcing the petitioner to execute the said sale deed is void and consequently direct the official respondents not to interference with the civil dispute pending between the petitioner and the 8th respondent.

The Circle Inspector, who is personally made as a party in both the writ petitions has filed a counter accepting that the petitioner was arrested in the respective crimes on the dates shown therein.

Sofaras the allegations against the said Circle Inspector in W.P.No.4594 of 2014 is concerned, the Superintendent of Police has submitted a report and stated that due enquiry was made and the Circle Inspector accepted that he arrested the petitioner at Hyderabad, but at that time, he did not inform local jurisdictional police and it is stated that appropriate disciplinary enquiry is already initiated on that ground against the said Circle Inspector.

While these writ petitions have come up for hearing, learned counsel for the petitioner fairly stated that the petitioner has now filed O.S.No.9 of 2015, which is pending before the Additional District Judge, Karimnagar, seeking cancellation of the said sale deed on various allegations, which are briefly referred to above form

part of the subsequent allegations in the said suit. Evidently, therefore, whether the petitioner's consent for execution of the sale deed is a free consent or whether he was forced to execute the said document is a matter for the civil court to consider in the said suit.

After hearing all the learned counsel at length, I am of the view that proposition that the respondent police have no authority to interfere with the civil disputes between the parties is well settled and the relief sought for by the petitioner to that extent is clearly tenable. However, the petitioner's further contention with regard to the circumstances under which he was forced to execute sale deed etc. and the allegations made by the petitioner against the police officials as well as the 8th respondent are the matters, which are part of evidence which the petitioner has to lead before the civil court in O.S.No.9 of 2015, which is pending.

Learned counsel for the petitioner offered to demonstrate electronic recording and also stated that he has ample evidence to establish that the petitioner was forced to execute the said sale deed. However, that being the matter of evidence, the same cannot be appreciated under Article 226 of the Constitution of India. The petitioner, therefore, is at liberty to lead such evidence, which he intends to lead before the Civil Court, so that the Civil court would be in a better position to appreciate oral and documentary and also electronic evidence if any adduced by the petitioner as well as defendants in the said suit. Since the petitioner is already found to be an accused in both the said FIRs, the investigation into the said FIRs, therefore, must be carried out if not completed so far. However, the respondent police have to confine their jurisdiction only with regard to the investigation of the said FIRs and not to any civil dispute. Hence, all the allegations of the petitioner with regard to execution of the said sale deed in the circumstances alleged by him are kept open and the petitioner is granted liberty to seek adjudication on all those aspects before the civil court, which is seized of the matter.

Accordingly, both the writ petitions are disposed of. No order as to costs.

Miscellaneous petitions, if any, pending in these writ petitions shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 26-03-2015

Prv

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

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26-03-2015

