

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

WRIT PETITION NO.25126 OF 2015

ORDER:

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

“to declare the action of the respondents 3 and 4, at the instance of respondents 5 to 9 in repeatedly calling the petitioner to the office of the respondents 3 and 4 and insisting him to give up all his claims as against 5th respondent for the acts of fraud and mischief committed by the latter and threatening him to implicate in false criminal cases for failure thereof, as illegal, irregular, irrational, without jurisdiction, violative of provisions of the Code of Criminal Procedure, 1973 and offends articles 14 and 21 of Constitution of India and consequently direct the respondents 3 and 4 to register a crime and prosecute the offenders including respondents 5 to 9 for appropriate penal provisions of law on his report, dated 02-08-2015, without interfering in any manner with his personal liberty and civil rights....”

2. When the matter is called today, written instructions, dated 17-08-2015 furnished by the Sub-Inspector of Police, Taluk Police Station, Ongole, Prakasam District have been placed on record by the learned Government Pleader for Home. The said instructions, read as under:

“It is true that the petitioner herein had lodged a complaint on 02-08-2015 with the Station House Officer, Taluk Police Station, Ongole, Prakasam District stating that the petitioner herein and one B.V.S.Vara Prasad/5th respondent herein entered into an agreement with regard to some land, but due to differences the petitioner herein got issued a legal notice to the 5th respondent herein with regard to the said land. After receipt of the said legal notice, the 5th respondent sent the respondents 6 to 9 who threatened the petitioner with dire consequences. The petitioner requested the police to take necessary action.

It is submitted that basing on the said complaint, this respondent entered the same in the General Diary on 02-08-2014. It is submitted that during the course of enquiry, it revealed that the contents of the complaint was non cognizable in nature, hence this respondent suggested the petitioner to file a

complaint before the concerned Hon'ble Court.

It is respectively submitted that the contention of the petitioner that the respondents police called the petitioner to the police station at the instance of the respondents 5 to 9 and insisted the petitioner to give up all his claims as against the 5th respondent is false, hence denied. It is submitted that the petitioner herein himself approached the police station and lodged the above complaint dated 02-08-2015.

It is further submitted that the respondents 5 to 9 herein never approached the police station, hence the question of calling the petitioner to the police station at the instigation of the respondents 5 to 9 does not arise.

It is submitted that except receiving the complaint of the petitioner herein the respondents police did not take coercive steps against the petitioner herein as alleged by him.

It is further submitted that the petitioner herein to threaten the respondents police unnecessarily made 4th respondent-S.Antony Raj-Inspector of Police, Ongole, Taluk police station in personal capacity to demoralise him.

All the allegations levelled against the respondents police are false hence denied."

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

4. In view of the above, writ petition stands disposed of by recording the written instructions, dated 17-08-2015 furnished by the Sub-Inspector of Police, Taluk Police Station, Ongole, Prakasam District. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

A.V.SESHA SAI, J

DATED: 26-08-2015

Hsd