

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.11751 of 2015

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ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

The petitioner appears to be a tenant and running a company by name and style "4 walls India" in the premises belonging to respondents 5 and 6. On the ground that respondents 5 and 6 tried to evict him forcibly, the petitioner has already filed a suit in O.S.No.47 of 2015 before the Junior Civil Judge, Medchal and obtained orders of status-quo. While so, the petitioner alleges that respondents 5 and 6 along with ten members came to the petitioner's premises and threatened him. He, therefore, filed a complaint before the 4th respondent on 05-03-2015. The petitioner alleges that no crime is registered and no investigation is taken up. Hence, he filed the present writ petition.

The instructions of the learned Government Pleader show that the petitioner's complaint was entered in the general diary and after conducting preliminary enquiry, it was noticed that there is a civil dispute between the petitioner and respondents 5 and 6, which is subject matter of civil suit referred to above and it is posted for hearing on 05-05-2015. In view of pendency of the said civil suit, the respondent police have not interfered with the civil dispute and advised the petitioner to approach competent court.

Learned counsel for the petitioner states that the forcible acts of respondents 5 and 6 stated in his complaint amount to commission of criminal offence, for which the police are bound to register FIR and take appropriate action.

It is evident from the instructions aforesaid that the civil suit is pending between the petitioner and respondents 5 and 6 and as such, the 4th respondent police is not entitled to interfere with the said civil dispute. However, to the extent of maintenance of law and order, peace and tranquillity in the locality, the 4th respondent would take appropriate steps and to the extent of civil dispute between

the petitioner and respondents 5 and 6, they are at liberty to approach civil court and seek appropriate relief. No direction as prayed for, therefore, can be granted.

Accordingly, the writ petition is dismissed. No order as to costs.

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

VILAS V.AFZULPURKAR, J

Date: 28-04-2015

Prv

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

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