

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

WRIT PETITION No.28632 of 2015

ORDER:

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

“to issue a writ or order or direction more particularly one in the nature of Writ of Mandamus, directing the respondents especially 2nd and 3rd respondents not to interfere in Civil Matters and consequently direct not to summon the petitioner to the police station frequently without legal authority which is arbitrary, irregular and irrational of power; and pass such other order or orders as this Honourable Court may deem fit and proper in the circumstances of the case.”

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

Today, when the matter is called, written instructions, dated 09-09-2015, furnished by the Sub Inspector of Police, Hayathnagar Police Station, Cyberabad Commissionerate, have been placed on record by the learned Government Pleader for Home, and the said instructions read as under:

“On a complaint of Sri Kappari Rama Krishna (brother of the writ petitioner herein) son of K. Pochaiuah, resident of Lingoiguda, Saroornagar, Ranga Reddy District lodged with the police of Hayathnagar Police Station, a case in Cr.No.732/2015 U/secs.3(1)(x) of SC/ST (POA) Act, 1989 was registered on 14-08-2015 against one Mr.Sara Vikram and others as they were encroaching Ac.1.00 gts of land situated in Sy.No.393/1 at Batasingaram Village, Hayathnagar Mandal, RR District belonging to his brother Sri Veeragoni Manohar (writ petitioner herein) and removed the demarcated stones and abused the complainant by touching his caste. As per the instructions of the Commissioner of Police, Cyberabad, the Asst. Commissioner of Police,

Vanasthalipuram division has taken up the investigation.

On a complaint of Sri Sara Vikram Raju lodged with the police of Hayathnagar Police Station, a case in Cr.No.789/2015 U/secs.447, 427 IPC was registered on 01-09-2015 against Mr.Kappari Ramakrishna and others and they were criminally trespassed into his land in Sy.No.393/1 situated at Batasingaram Village and removing the trees and cultivated the land and the investigation was taken up.

Again on the complaint of Sri Kappari Rama Krishna (brother of the writ petitioner herein), a case in Cr.No.790/2015 U/secs.447, 427, 323 IPC was registered on the file of Hayathnagar Police Station on 01-09-2015 against one Mr.Sara Vikram Raj as he came to the lands in Sy.No.393/1 of the complainant situated at Batasingaram Village, Hayathnagar Mandal and removed the trees and also abused the complainant and criminally trespassed into the land and broken the kaddies and fencing and quarreled with the complainant and his friend Mr.Gaddam Kumar and also beat them and that the investigation was taken up.

It is pertinent to submit that on the complaints of cousin of writ petitioner herein Sri Kappari Rama Krishna, the above mentioned 2 cases i.e., Cr.No.732/2015 and Cr.No.790/2015 were registered on the file of Hayathnagar Police Station against Mr.Sara Vikram Raju and against the cousin of the writ petitioner herein, a case in Cr.No.789/2015 was registered and started the investigation into these cases.

It is pertinent to submit that except registration of the abovementioned cases and taken up the investigation into the same, this respondent police never interfered with the subject lands of the petitioner herein. In fact, the above 3 cases were registered on the very same subject lands of the petitioner herein. I humbly submit that on coming to know the registration of the FIRs and the police taken up the investigation into the matters, the petitioner with a mala fide intention and to divert the attention of the investigating agency in not conducting the investigation of the abovementioned cases in a fair and proper manner, rushed to this Hon'ble Court and filed the present writ petition with false allegations.

Even though the petitioner is not shown as accused in the above FIRs, on the complaints of his cousin Mr.Kappari Rama Krishna, 2 cases were registered against the accused in Cr.No.732/2015 and Cr.No.790/2015 regarding the criminal trespass of the alleged accused on the subject lands in

Sy.No.393/1 situated at Batasingaram Village, Hayathnagar Mandal, it is the bounden duty of the petitioner, has to cooperate with the investigating agency if any information is required from him.

It appears that the writ petitioner herein has purchased the subject lands from Smt.S. Susheela who later sold the same to the alleged accused in the FIR. However, the investigation is under hectic progress to find out the guilt of the accused beyond all reasonable doubt.

If any information is required from the petitioner herein for the purpose of investigation into these cases, the investigating agency will take necessary steps by following the due procedure.

It is submitted that the allegation of the petitioner that pursuant to the above FIRs, the 2nd and 3rd respondents herein have called the petitioner to the police station and enquired about the matter and in spite of showing all the documents including the sale deed, orders of the Hon'ble Courts the respondents are asking them to compromise the matter and threatening them that cases will be booked against them is absolutely false and hence denied.

It is submitted that the allegation of the petitioner that instead of giving protection to him the respondents are under the guise of compromise threatening them to part with money is also utterly false and hence denied.

It is respectfully submitted that as of now, the investigating agency did not summon the petitioner. If any information is required from the petitioner about the cases facts, certainly by following the due procedure, the investigating agency will take steps. On mere apprehension and to divert the attention of the investigating agency in not conducting the above cases in a fair and impartial manner, the petitioner filed the writ petition with untenable allegations.

I humbly submit that if any interim orders are passed in this case, taking advantage of the same, the petitioner though not required may not cooperate with the investigating agency if any information is wanted.”

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

In view of the above, the writ petition stands disposed of,
by recording the written instructions dated 09-09-2015, furnished by
the Sub Inspector of Police, Hayathnagar Police Station, Cyberabad
Commissionerate.

The Miscellaneous Petitions pending, if any, shall also stand
closed. There shall be no order as to costs.

A.V. SESA SAI, J.

Dt.11-09-2015

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

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WRIT PETITION No.29243 of 2015

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September 10, 2015

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