

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

AND

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT APPEAL No.378 of 2015

JUDGMENT: (per NRR,J)

This writ appeal is preferred by the appellant-writ petitioner aggrieved by the orders passed by the learned single Judge in disposing of the writ petition filed by her.

During the course of the said order, the learned Judge has noticed that the son of the appellant herein has already lodged a complaint against respondent Nos.4 to 7 on 06.04.2015 and respondent No.3, Station House Officer, Ramachandrapuram Police Station, Chittoor District has already registered a case in Crime No.19 of 2015 for the offences punishable under Sections 447, 427, 323 and 506 read with Section 34 I.P.C. and the investigation is taken up. The learned Judge has also recorded that a civil suit bearing O.S.No.187 of 2014 is pending between the same parties before the V Additional District Judge, Tirupathi and there is an interlocutory injunction granted by that Court on 25.08.2014 restraining the parties from alienating the suit schedule property. The learned Judge has also recorded that respondent No.4 in the writ petition has moved I.A.No.296 of 2014 in that suit seeking an injunction against the appellant and that the same is posted for hearing on 27.04.2015. In those circumstances, the learned Judge has noted that since the crime is already registered on the complaint of the appellant and it is also being investigated and so far as the protection sought for by the appellant is concerned, the same cannot be addressed or considered in the writ petition for which a separate remedy lies, and in view of the pendency of the civil suit and the interlocutory injunction application therein, the learned Single Judge has disposed of the writ petition permitting the appellant to approach respondent No.3 afresh subject to the orders of the civil Court.

We do not find anything improper in the order passed by the learned Single Judge to interfere with the said order. This apart, in our opinion, very rightly the learned Single Judge has preserved the liberty to the appellant to approach the

Police, in case she is apprehensive of any risk or danger to her life. It is for the Police to take appropriate action, as and when any such request for protection is sought for by the appellant.

With these, the writ appeal stands disposed of. There shall be no order as to costs.

Consequently, the miscellaneous applications, if any shall also stand disposed of.

NOOTY RAMAMOHANA RAO, J

M.S.K.JAISWAL, J

Dt:07.05.2015

Kdl/gj