

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

MONDAY THE FIFTH DAY OF OCTOBER
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 25805 OF 2015

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Between:

Tiramdasu Ammaji ... Petitioner

Vs.

The State of Telangana,

Represented by its Prl.Secretary,

Home Department

Secretariat, Hyderabad & Ors. ... Respondents

Counsel for the Petitioner: Sri Gokula Rama Rao

Sri A. Jagan

Counsel for the Respondents: GP for Home TG]

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 25805 OF 2015

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ORDER:

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

“To declare the action of the fifth respondent in calling the petitioner and her husband to the police station and threatening to settle the civil dispute with the sixth respondent as illegal, arbitray, contrary to the provisions of Criminal Procedure Code and violation of fundamental rights guaranteed under the Constitution of India and the same is without jurisdiction and consequently to direct the fifth respondent not to call the petitioner or her husband to the police station and to pass such other suitable orders as this court may deems fit and proper in the circumstances of the case.”

2. Heard Sri A. Jagan, representing Sri Gokula Rama Rao, learned counsel for the petitioner and the learned Government Pleader for Home for respondents 1 to 4 and Sri V. Srinivasa Rao, learned counsel for sixth respondent.

3. When the matter is called today, written instructions dated 18/8/2015 furnished by Inspector of Police, Madhapur Police Station, Cyberabad Commissionerate have been placed on record by the learned Government Pleader for Home for the respondents 1 to 4.

4. The said written instructions reads as follows:

One Mr.Jagdishwara Rao 6th respondent herein had approached the police of Madhapur Police Station, Cyberabad and lodged a complaint on 12/7/2015 stating that he is having a plot of 300 sq.yards bearing No. 798/A at Gurukul Ghatkeswar Trust, Khanamet and he has been in peaceful possession and enjoyment of the same. One Mr.Sudhakar Varma, Satyanarayana and his associates illegally trespassed into the said plot and demolished the rooms existing in his plot and disconnected electricity service wire and committed theft and threatening him with dire consequences. Hence, he requested the police to take necessary action as per law.

Basing on the contents of the above complaint, a case in Cr.No. 391/2015 under section 447, 427, 506 IPC was registered on the file of Madhapur [Guttala] Police Station on 12/7/2015 and investigation was taken up. Husband of the petitioner Mr.T.Satyanarayana is shown as A-2 in the FIR.

During the course of investigation, this respondent being the investigating officer examined the complainant 6th respondent and some other witnesses and recorded their detailed statements. Sec.91/160 Cr.P.C. notices were also issued to A-1 Mr.Sudhakar Varma and A-2 Mr.Satyanarayana (husband of the petitioner herein) requesting them to attend before the investigating officer along with the relevant documents relating to the subject matter of the case. Instead of co-operating with the investigating agency, the petitioner (A2) rushed to this Hon'ble court and filed the present writ petition with false, baseless and concocted allegations.

It is respectfully submitted that the investigation in the said crime is under hectic progress. No arrests were made so far in this case. The investigation is pending for want of examination of some more witnesses and for collection of material evidence to establish the offence.

It is pertinent to submit that basing on the evidence adduced during the course of investigation, necessary action will be taken against the accused in the FIR including the husband of the petitioner Mr.T.Satyanarayana (A2) and an appropriate report under section 173 Cr.P.C. will be filed before the concerned Hon'ble court by following the due procedure at the earliest.

It is humbly submitted that it is the bounden duty of the husband of the petitioner A2 in the FIR to co-operate with the investigating agency by producing the relevant documentary evidence. I submit that the husband of the petitioner is required in the above case.

So far the investigation revealed that there is ample evidence that the husband of the petitioner has committed the offences mentioned in the FIR along with other accused. By following the due procedure only, the investigating agency will take action against the accused in the FIR.

I humbly submit that mere registration of criminal case and proceeding with the investigation does not amount to be interference of the respondent police into the civil disputes. To save the skin of her husband in the above case, the petitioner made baseless allegations in the affidavit and hence the same are totally denied. I humbly submit that to divert the attention of the investigating agency in not conducting the investigation into the above crime in a fair and proper manner and also to escape the criminal liability of the petitioner's husband in the case, the petitioner filed the present writ petition with false and baseless allegations.

It is submitted that the allegation of the petitioner that the sixth respondent herein is a politically influenced person and at his instance, the fifth respondent registered a crime and issued notice under section 91/160 Cr.P.C. is absolutely false and hence denied.

It is submitted that the allegation of the petitioner that the fifth respondent ought to have dropped all the proceeding, but calling her and her husband to the police station and threatening to settle the civil dispute with the sixth respondent herein is also utterly false and hence denied.

It is submitted that the allegation of the petitioner that the fifth respondent is hand-in-glove with the sixth respondent and is trying to settle the civil disputes by calling her and her husband to the police station and when they have gone to the police station, the fifth respondent asked them to wait from morning to evening is also false, baseless and hence denied.

It is humbly submitted that except issuance of notice under section

91/160 Cr.P.C. to the alleged accused in the FIR including the husband of the petitioner herein, this respondent never summoned the petitioner or her husband and made them to sit in the police station or asked them to settle the matter with the sixth respondent. All the allegations made in the affidavit are false, baseless, concocted and mainly invented for the purpose of investigation and hence the same are denied.

Unless and until, the husband of the petitioner [A2] co-operates with the investigating agency, it cannot proceed with further course of action.

5. On noticing the said written instructions, it is requested by the learned counsel for the petitioner herein to dispose of the writ petition by recording the said written instructions. On the other hand, it is submitted by the learned counsel for the sixth respondent that the petitioner herein is taking the support of forged documents.

6. In view of the above submissions, the writ petition stands disposed of by recording the written instructions dated 18/8/2015 furnished by the Inspector of Police, Madhapur Police Station, Cyberabad Commissionerate, without expressing any opinion on the merits or demerits in the respective stands of the petitioner and sixth respondent and their rights. No costs.

6. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE A.V.SESHA SAI

05/10/2015

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HONOURABLE SRI JUSTICE A.V. SETHA SAI

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