

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

WRIT PETITION No.25696 OF 2014

ORDER:

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

“it is hereby prayed that this Hon'ble Court may be pleased may be pleased an order or direction more in the nature of Writ of Mandamus, declaring the action of the 3rd Respondent in not taking action by registering the case on the complaint dated 30.06.2014 received by him from the 2nd Respondent submitted by the Petitioner as illegal, arbitrary and unconstitutional and consequently direct the 3rd Respondent to register the case on the complaint dated 30.06.2014 received by him from the 2nd Respondent and to pass such other order or orders as this Hon'ble Court may deems fit just and proper in the circumstances of the case.”

2. Heard Sri K.V.Subrahmanya Narusu, learned counsel for the petitioner and learned Government Pleader for Home.

3. Response to the notice issued by this court, a counter affidavit is filed by the Sub Inspector of Police, III Town Police Station – 3rd respondent herein and in the said counter affidavit at Paras 3 to 9, it is stated as follows:

“3. It is respectfully submitted that, on 30.6.2014, this respondent has received the petitioner's complaint dated: 30.6.2014 through OSD (Admn.,)

District Police Officer, YSR Kadapa vide CCC No. 1252/14 dated: 30.6.2014 for enquiry and report.

4. It is respectfully submitted that, the sum and substance of the complaint is that she had mortgaged her property for Rs.36 lakhs with her brother/the 4th respondent/Sareddy Chenna Keshava Reddy an interest of @ Rs.1/-. When she wants to release the said property, she issued notice to the 4th respondent, but the 4th respondent stated that, she has to pay @Rs.2/- interest and the 4th respondent beat the complainant/petitioner herein and her husband and abused in filthy language. At the incident one police

constable was passing by road and he taken the petitioner and her husband to the police station. The Sub Inspector of Police did not take any action on the request of the petitioner herein. She further stated that her brother/4th respondent is trying to take her signature by force.

5. It is respectfully submitted that, basing on the said endorsement, this respondent had enquired the matter in detailed with the neighbours of the complainant/petitioner herein namely one Sudhir Kumar who is the owner of optical shop and Ramdas who is the tailor and it was revealed that, the brother of the petitioner herein who is the 4th respondent herein has not beat the petitioner and her husband and no incident took place as alleged by the complainant/petitioner herein. Hence, this respondent submitted a report on 02.07.2014, to the OSD (Admn.,) - District Police Officer, YSR Kadapa. It is submitted that, as the petitioner lodged false complaint, hence this respondent has not registered the criminal case.

6. It is respectfully submitted that, again on 11.8.2014 the petitioner herein had approach the Superintendent of Police, YSR Kadapa along with similar complaint. Basing on that, the Superintendent of Police, YSR Kadapa endorsed to this respondent, vide CCC No. 1252/2014 dated:11.8.2014, "maintain peace, call both the parties to maintain law & order and take necessary action and do not interfere in land dispute".

7. It is respectfully submitted that, basing on the said endorsement, this respondent has called petitioner and her brother/respondent No.4 and their relatives by name one L.Ramsubbareddy, L.Savithri, S.Chandravathi and Krishna Roddy and enquired the matter in detailed. During the course of enquiry it was revealed that, there was a dispute between the petitioner and her brother/4th respondent herein with regard to money transaction and it was further revealed that the 4th respondent or anybody did not beat or threaten the petitioner herein as alleged by the petitioner herein. In this connection this respondent submitted a report to the Superintendent of Police, YSR Kadapa on 25.8.2014.

8. It is respectfully submitted that, as stated above, this respondent's enquiry revealed that, there was family

dispute which would never end between the petitioner and her brother/4th respondent herein with regard to money transaction and it was further revealed that, the 4th respondent or anybody did not beat or threaten the petitioner herein as alleged by her. The petitioner unnecessarily involving the police into civil litigation, for which the police has nothing to do with it.

9. *It is further respectfully submitted that, the police enquiries revealed that, the 4th respondent herein filed suit against the petitioner herein vide O.S.SRNo. 3019 dated: 1.9.2014 before the Hon'ble 2nd Addl. Dist. Judge, Kadapa for recovery of the alleged amount from the petitioner herein."*

4. On noticing the same, learned counsel for the petitioner requested this court to record the same and permit the petitioner herein to make another complaint.

5. In view of the above, writ petition stands disposed of, by recording the contents of the counter filed by the 3rd respondent herein. It is also open for the petitioner herein to make necessary complaint/representation to the respondents and the same shall be considered, in accordance with law.

6. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

18th August, 2015

ss