

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

**WRIT PETITION No.23682 of 2015**

**ORDER:**

The grievance précised in the writ petition is inaction on the part of the 2<sup>nd</sup> respondent – Station House Officer, Medipally Police Station, Cyberabad, Ranga Reddy District in registering the crime on the complaint, dated 18-07-2015 said to have been submitted by the petitioner herein.

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

When the matter is called today, written instructions, dated 04-08-2015 furnished by the Sub-Inspector of Police, Medipalli Police Station, Cyberabad Commissionerate have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

*“The petitioner herein had sent a petition dated 18-07-2015 to the Station House Officer, Medipally Police Station through speed post requesting to take action against 1) Vanga Yadagiri, 2) Smt.Ch. Tirumala, 3) Raju, 4) Lanvanya, 5)Bhagath, 6) Kistaiah goud (Retd.CI) and son of 7) Yadagiri as they are trying to encroach her double bed room portion which is situated at Northern side of the ground floor in house bearing No.12-111 in P&T Colony, Medipally village, Ghatkesar Mandal, R.R. District.*

*Upon receipt of the above complaint, immediately an entry was made into the station general diary and after conducting preliminary enquiry into the matter action will be taken.*

*It is submitted that during the course of preliminary enquiry into the above petition, it is revealed that earlier on the complaint of the writ petitioner herein, cases in Cr.No.92/2012*

*and Cr.No.422/2012 on the very same persons in the present petition, dated 18-07-2015 with regard to the subject property of the petitioner herein. The above 2 crimes were referred as "False".*

*I humbly submit that it is elicited in the enquiry that, there are disputes between the petitioner as well as the persons named in her petition as well as the persons named in her petition regarding the subject house in question and she also filed a Civil Suit in O.S.No.176/2012 on the file of the Court of II Addl. Junior Civil Judge, Ranga Reddy against the very same persons in her petition regarding the subject house in question.*

*Since the dispute of the petitioner herein as well as the persons named in her petition is purely civil in nature and this respondent police orally suggested her to seek her redressal in the competent civil court. But, however, without availing alternative remedies, filed the present writ petition.*

*I humbly submit that if the petitioner makes the persons who have alleged to have been encroached into the house of the petitioner herein as proper party respondents to this writ petition, the real facts would have come to light.*

*I humbly submit that the petitioner unnecessarily involved the respondent police into her personal and civil disputes. Police protection cannot be given to the disputed property in question.*

*It is pertinent to submit that on a complaint of Smt.Ch.Tirumala, W/o.Yadagiri, lodged with the police of Medipalli Police Station, a case in Cr.No.467/2015, under Section 341 IPC was registered against the petitioner herein and her family members on 18-07-2015 with regard to the subject property in question.*

*It came to light during the preliminary enquiry into the petition of the petitioner herein that to escape from the criminal liability in the above criminal case, the petitioner sent the petition through speed post.*

*I humbly submit that the petitioner herein is required in connection with Cr.No.467/2015. Action will be taken against the petitioner-accused by following the due procedure."*

Reiterating the contents of the above-mentioned written instructions it is submitted by the learned Government Pleader for Home that it is always open for the petitioner herein to file a

private complaint before the concerned jurisdictional Magistrate.  
This Court finds sufficient force in the said contention.

Reiterating the contents of the affidavit filed in support of the writ petition, it is submitted by the learned counsel for the petitioner that the petitioner herein approached the 2<sup>nd</sup> respondent and lodged a complaint on 18-07-2015 and initially it was received by him but due to pressure on him, as counterblast, a case was registered against the petitioner vide Crime No.467 of 2015 under Section 341 of IPC and the learned counsel states that the same is unfortunate and highhanded.

In view of the instructions referred to supra and taking into consideration the submissions of the learned Government Pleader, this Court deems it appropriate to close the present writ petition, keeping it open for the petitioner herein to approach the concerned jurisdictional Magistrate by way of private complaint if he is advised to do so. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

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**A.V. SESA SAI, J**

August 06, 2015

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

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