

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.35124 OF 2015

ORDER:

The grievance of the petitioner is that the police authorities and more particularly, the Deputy Superintendent of Police, Huzurabad, Karimnagar District, the fourth respondent, was interfering in a civil dispute and harassing him to settle it.

The Sub-Divisional Police Officer, Huzurabad, Karimnagar District, filed a counter-affidavit stating that basing on a complaint made by one V. Venkata Swamy to the A.P. State Commission for SCs and STs, which was forwarded to the Collector and District Magistrate, Karimnagar, and the Superintendent of Police of Karimnagar District, an enquiry was undertaken as to whether any atrocity had been committed falling within the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the Act of 1989'). According to the Sub-Divisional Police Officer, the petitioner, instead of co-operating with the said enquiry, filed this writ petition.

The petitioner filed a reply-affidavit alleging various excesses by the police authorities concerned.

However, it is well settled that this Court cannot go into disputed questions of fact while exercising writ jurisdiction. It would suffice to state that the police authorities would be bound to follow the due procedure prescribed under the Code of Criminal Procedure, 1973, while undertaking investigation into an alleged offence and in the guise thereof, they can neither enter into civil disputes nor pressurize settlement thereof. As it is stated that the enquiry sought to be undertaken by the police authorities is only in the context of the alleged offence said to have been committed under the provisions of the Act of 1989, the petitioner shall co-operate with such enquiry, which shall be strictly in accordance with the prescribed procedure. Beyond that, the police authorities shall not interfere with any other disputes relating to the petitioner.

With the above directions, the writ petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

17th November, 2015

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