

THE HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.22886 of 2015

ORDER:

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

“to issue Writ of Mandamus declaring the inaction of the 3rd respondent in non registering the crime basing on the complaint dated 27.12.2014 and 16.06.2015 as illegal and arbitrary.”

When the matter is taken up for hearing, written instructions dated 30.07.2015 furnished by the Sub-Inspector of Police, Kodimial Police Station, Karimnagar District, have been placed on record by the learned Government Pleader for Home.

In the said written instructions, it is stated as follows :-

“Upon receipt of the said petition, an entry was made into the general diary of the station stating that after conducting preliminary enquiry into the matter, necessary action will be taken.

In the preliminary enquiry it is revealed that the dispute of the petitioner herein as well as the persons named in the complaint is purely civil in nature and both parties are claiming rights and title over the subject property in question and immediately, this respondent police advised the petitioner to approach the competent civil Court. Hence, no action whatsoever was taken on the complaint dated 16.06.2015.

It is pertinent to submit that the petitioner is trying to involve the respondent police into his personal and civil disputes. Had the petitioner made the persons who trespassed into his land and facing threat from as proper party respondents to this writ petition, the real facts would have come to light. Non-joinder of necessary parties, it is fatal to the case of petitioner.”

In view of the above, this Writ Petition is closed giving liberty to the petitioner to approach the Magistrate concerned with a private complaint, if he is so advised. No costs.

As a sequel, the miscellaneous applications, if any, shall stand closed.

Date : 03.08.2015

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Note : Issue C.C. in one week.

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