

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.35836 OF 2015

ORDER:

The prayer of the petitioners in this case is as under:

“For the reasons stated in the accompanying affidavit, the petitioner herein prays that this Hon'ble Court may be pleased to issue an Order, Direction or Writ more particularly one in nature of Writ of Mandamus declaring the action of the Respondent Police more particularly Respondents 3 and 4 in interfering with civil dispute between petitioners and one Boorla Sambaiah @ Chinna Sambaiah S/o. Rajamouli, in connection with the owned and possessed agricultural land bearing Sy.No.637/2//A/1, admeasuring Ac.1-00 guntas & Survey No.634/3/2 admeasuring Ac.0-20 guntas, in all Ac.1-20 guntas, situated at Mahammadapuram Village of Duggondi Mandal, Warangal District, without adopting the due process of law, as illegal, arbitrary, unreasonable, unjust, without any sanction of law, unwarranted and violative of fundamental rights guaranteed under Article 21 of the Constitution of India besides contrary to the provisions of the Code of Criminal Procedure and consequently direct the respondent police not to harass and protect the fundamental rights as guaranteed under the Constitution of India.”

The Sub-Inspector of Police, Duggondi Police Station, Warangal District, filed a counter-affidavit stating that Crime No.152/2015 had been registered under Section 420 I.P.C. on the file of Duggondi Police Station against the petitioners and another based on the complaint given by the first petitioner's father and second petitioner's father-in-law. Insofar as the alleged interference in the petitioners' civil dispute is concerned, the Sub-Inspector bluntly denied the same. He further stated that it was not true that the petitioners were being called to the police station in the context of the civil dispute or threatened to be dispossessed.

In the light of the afore-stated counter-affidavit averments, which remained unrebutted, it is not open to the petitioners to complain about

interference with their life and liberty by the police authorities as a crime has been registered in which they are arrayed as the accused. Needless to state, the police authorities shall strictly abide by the procedure laid down in the Code of Criminal Procedure, 1973, while investigating the offence and subjecting the petitioners to interrogation/examination in the context thereof. As the police authorities have denied interference in the civil dispute of the petitioners and as the police authorities are bound to be mindful of the extent of their jurisdiction while undertaking criminal investigation in a matter which also partakes the nature of a civil dispute, no separate direction need be given in that regard.

The writ petition is accordingly closed. Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

**JUSTICE SANJAY
KUMAR**

19th January, 2016
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