

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No. 19374 of 2016

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader of Home.

With the consent of both the parties, the writ petition is disposed of at the admission stage.

The grievance of the petitioner is that respondent Nos.3 to 5 are interfering with the civil dispute by calling the petitioner to police station, making her sit hours together without any reason, inspite of civil suits filed between the petitioner and respondent No.6 herein are pending before the competent civil Courts.

The averments in the affidavit filed in support of the writ petition would show that the father-in-law of the petitioner died intestate and the legal heirs acquired the same by way of registered partition deed dated 05.10.2006. It is averred that the husband of the petitioner, who acquired the coparcener property, with a dishonest and fraudulent intention, hatched a plan and executed a false sale deeds to respondent No.6 in respect of land admeasuring Acs.5.26 cents under various deeds, without receiving any consideration. Subsequently, the petitioner filed O.S.No.45 of 2015 on the file of the II Additional District Judge, Amalapuram, as a guardian to her children, seeking partition of the plaint schedule property by claiming equal shares. It is further stated that petitioner obtained an order of *status quo* in I.A.No.941 of 2015. Subsequently, respondent No.6 filed O.S.No.101 of 2015 seeking permanent injunction restraining the petitioner herein from interfering with the possession and enjoyment of the plaint schedule property and I.A.No.517 of 2015 seeking interim

injunction. The learned Principle Junior Civil Judge, Kothapeta, by an order dated 15.12.2015, allowed I.A.No.517 of 2015 with costs, aggrieved by which, the petitioner herein filed C.M.A.No.1 of 2016 on the file of the Senior Civil Judge, Kothapeta which was allowed setting aside the order passed in I.A.No.517 of 2015. It is further stated that respondent Nos.6 and 7 in collusion with respondent No.5 are causing hardship to the petitioner leading to filing of a private complaint before the Judicial Magistrate of First Class, Kothapeta, who referred the same to SHO, Kothapeta. A case in Crime No.7 of 2016 came to be registered for the offences under Sections 419, 420, 468, 427, 448, 354, 120 B read with Section 34 of IPC. It is averred that subsequently the petitioner lodged a report against respondent No.7 and others which was registered as Cr.No.97 of 2016 for trespassing into the agricultural land of the petitioner and causing injuries to him. It is alleged that respondent Nos.3 to 5 at the instance of respondent Nos.6 and 7 insisted the petitioner to withdraw the said case and to compromise with them to their dictation, but the same was refused by the petitioner. Since then, respondent Nos.3 to 5 at the behest of respondent Nos.6 and 7 started calling the petitioner to the police station and harassing him without any reason. Hence, the present writ petition.

Though various grounds are raised, learned counsel for the petitioner submits that a direction may be given to the police authorities to follow due process of law while summoning the petitioner to the police station and interfering with any dispute.

Learned Government Pleader for Home submits that if the investigating agency intends to investigate, they shall do so after following due process of law.

Having regard to the submissions made and without going

into merits of the case, the present writ petition is disposed of directing the respondent - police authorities to be mindful of the limits of their jurisdiction in criminal law and not to interfere with any civil dispute, except following due process of law.

Miscellaneous petitions, pending if any, shall stand closed in the light of this final order. No order as to costs.

**JUSTICE C.PRAVEEN
KUMAR**

17.06.2016
vhb