

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition Nos.3788 and 13064 of 2017

Common Order:

These two Writ Petitions are being disposed of by this common order, as they are inter connected.

W.P.No.3788 of 2017 was initially filed by one K. Brahmananda Reddy who is now accused along with others in Crime No.76 of 2017 registered on 05.03.2015 alleging police harassment and their interference in civil disputes between him and the owners of the property where he is a tenant. He submitted *prima facie* evidence of harassment and, in those circumstances, this Court passed an elaborate order on 13.02.2017 directing the third respondent, the Superintendent of Police, Guntur district to conduct investigation into the entire episode by recording the statement of the petitioner, verify the records of the police station and submit a comprehensive report to this Court. Thereafter, it appears that the owners of the premises, where he is a tenant, lodged a complaint with Pattabhipuram Police Station, Guntur Urban, Guntur district against him and 4 others stating that the petitioner, his wife and his brother-in-law are tenants of the house bearing Door No.4-4-77/4B, I Lane Extension, Chandramouli Nagar, Guntur and they created false documents by making forgery of the signature of the complainant (A. Venkata Lakshmi), the 7th respondent in WP No.13064 of 2017, as if she sold the said property to them and threatened her when she questioned them with regard to the said forged document.

Learned counsel for the petitioner also submitted that O.S.No.82 of 2017 was filed seeking specific performance of the said agreement and the learned counsel appearing for the 7th respondent submitted that no

such document was executed by the 7th respondent and before filing the suit the petitioner never issued any notice to the 7th respondent.

Now, a report is filed by the third respondent stating that the Additional Superintendent of Police (Administration), Guntur Urban was entrusted with the matter of enquiry relating to the alleged excess committed by the Sub-Inspector of Police and the Police Constable and he issued notices to the petitioner on 04.03.2017, 18.03.2017 and 23.03.2017 to record the statement of the petitioner. The petitioner was not available and the house was locked from 17.03.2017 to 23.03.2017 and his whereabouts are not known and he is not responding to his Mobile bearing Nos.9959679999 and 7702510999. The enquiry also revealed that the petitioner is not paying rents to the owners for the last 18 months and causing trouble by not vacating the house in spite of several requests made by them. It is also stated that a departmental enquiry was initiated against the fourth respondent in W.P.No.3788 of 2017 by issuing appropriate proceedings on 24.03.2017 appointing the SDPO, West Sub-Division as an Enquiry Officer to cause enquiry and submit a report against him for taking further appropriate action on the basis of the report. Now, there are two criminal cases pending against the petitioner in Crime Nos.35 of 2017 and 76 of 2017 in Pattabhipuram Police Station and the investigation was entrusted to the SDPO, West Sub-Division, vide Memo dated 06.03.2017.

In view of the above report, these two Writ Petitions are disposed of giving liberty to the third respondent to go ahead with the departmental enquiry and investigation in the crimes registered against the petitioner, but the departmental enquiry and the investigation shall be entrusted to two different officers for a fair investigation and enquiry.

Since the alleged agreement of sale was executed in favour of the petitioner only, the involvement of other petitioners in W.P.No.13064 of 2017 and their inclusion as accused in the crime requires a further probe. Hence, this Court is inclined to grant stay of arrest of accused Nos.1, 2, 4 and 5, but they shall cooperate with the investigation by the police. It is needless to observe that the petitioner also shall cooperate with the departmental enquiry as well as the investigation of the crimes pending against him. However, it is needless to observe that the police shall not harass anyone, but shall follow due process of law while investigating the crimes registered against the petitioner. It is open to the parties to work out their remedies in the appropriate civil proceedings and the action of the police shall be confined only to the investigation of the crimes registered against the petitioner and the departmental enquiry. After conclusion of the departmental enquiry, the third respondent shall take appropriate action in accordance with law.

The Writ Petitions are, accordingly, disposed of. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 18.04.2017
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