

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.32185 of 2017

ORDER:

The petitioners pray for the following relief:

“.....to issue a Writ of Mandamus or any other appropriate writ, order or direction, declaring the action of the respondents 1 and 3 in not taking any action on the representation dated 23.8.2017 and the action of the respondents 5 and 6 in interfering with the civil disputes between the Petitioner and petitioner family members on one side and the respondents 7 and 8 on the otherside and registering false cases against petitioner and other family members, giving the civil dispute a criminal colour for the reasons best known to petitioners, as illegal and arbitrary and settled principles of law and consequently direct the respondents not to interfere in civil dispute”

On 21.09.2017, this Court ordered notice.

The 4th respondent filed counter affidavit and the operative portion of the counter affidavit reads thus:

“It is humbly submitted that when both the criminal cases are under investigation, the petitioner herein and family members have submitted a representation dated 23.08.2017 to the Home Minister, Government of Telangana and other higher police officers, stating that the Miyapur police has falsely implicated the petitioner and his family members on the complaint of the 7th respondent herein V.Siva Sailaja in the above two criminal cases and giving the civil dispute a criminal colour. It is further mentioned in the said representation that on the instigation of the

de facto complainant 7th respondent herein, the police has harassed the petitioner. The petitioner requested to protect him from the harassment by the Miyapur Police.

It is humbly submitted that pursuant to the said representation, the Home Minister, Government of Telangana entrusted the matter to the 3rd respondent Commissioner of Police, Cyberabad to examine and take necessary action as per law on 23.08.2017. In turn the 3rd respondent Commissioner of Police, Cyberabad has entrusted the matter to the concerned officer for enquiry and necessary action.

It is humbly submitted that the Assistant Commissioner of Police, Miyapur Division, Cyberabad has enquired into the requisition of the petitioner to the Home minister of Telangana state forwarded by Commissioner of Police, Cyberabad and the enquiry revealed that on the complaints of the 7th respondent, Miyapur Police has registered two criminal cases in Cr.No.739/2017 dated 21.07.2017 for the offences U/s.420, 468 and 471 IPC against the petitioner herein and his family members and the investigation has been entrusted to the Sub Inspector of Police, Miyapur Police Station, Cyberabad and the 5th respondent Station House Officer/Inspector of Police, Miyapur Police Station has only monitoring the investigation of the criminal cases registered. The enquiry further revealed that the 5th respondent and the staff have never harassed the petitioner or his family members at any point of time as alleged by the petitioner herein in his representation. The examination of the Case Diaries of the said two criminal cases revealed that the Sub Inspector of Police, Miyapur is conducting the investigation of the criminal cases registered against the petitioner herein and other accused in an impartial and fair manner

without any foul play and the investigation officer never tried to interfere with the civil dispute between the petitioner and the respondents 7 and 8 and the investigating officer has never tried to give the civil dispute a criminal colour as alleged by the petitioner herein. The same has been informed to the petitioner herein.”

From the above, it is evident the inaction complained in the writ petition does not survive.

Therefore, the prayer is unavailable to petitioner. As regards any other grievance or a civil dispute, it is needless to observe that the present prayer will not come in the way of petitioner from working out remedies in accordance with law.

Writ petition is dismissed with the above observation. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

Dt: 20.11.2017
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S. V. BHATT, J

