

HON' BLE SRI JUSTICE M. SATYANARAYANA MURTHY

WRIT PETITION No.15426 of 2017

ORDER:

This writ petition is filed seeking a direction against the 3rd respondent not to interfere in the civil disputes between the petitioner and the 4th respondent and his associates.

The brief facts of the case are that there were civil disputes between the petitioner and the 4th respondent with regard to immovable property and the 4th respondent filed O.S.No.157 of 2010 on the file of IV Additional District & Sessions Judge, Kakinada, for declaration that he is the owner of the suit schedule property and to grant a consequential permanent injunction, whereas the petitioner and others filed O.S.No.34 of 2008 on the file of Junior Civil Judge, Prattipadu, which was re-numbered as O.S.No.107 of 2011 on the file of IV Additional District & Sessions Judge, Kakinda. By common judgment dated 16.04.2015, O.S.No.157 of 2010 was decreed and O.S.No.107 of 2011 was dismissed. Aggrieved thereby, appeals in A.S.No.868 of 2015 and 101 of 2016 are filed before this Court and the same are pending.

The grievance of the petitioner is that when the civil disputes are pending, the police are not supposed to interfere and insist the petitioner to settle the civil disputes, as they have no jurisdiction to interfere in civil disputes. However, the police are

insisting him to settle the civil disputes between him and the 4th respondent.

Learned Government Pleader for Home submitted that Crime No.160 of 2016 was registered against the petitioner on 03.12.2016 for the offences punishable under Sections 447 and 324 IPC, entire investigation is completed, notice under Section 41A of Cr.P.C was served on the petitioner on 21.12.2016 and the charge sheet was filed against the petitioner on 03.12.2017.

If really the petitioner committed any cognizable offence, nothing prevents the police from registering a crime against him and investigating into the crime, or otherwise, obtain permission from the competent Magistrate to investigate into the crime and take appropriate steps. But, in this case, the petitioner was served with notice under Section 41A of Cr.P.C in terms of the guidelines issued by the Hon'ble Apex Court in *Arnesh Kumar v. State of Bihar*¹ and also entire investigation is completed. In these circumstances, insisting the petitioner by the police to appear before the police station does not arise and the 3rd respondent cannot insist the petitioner to settle the civil disputes, but they may take steps to arrest the petitioner, if he committed any cognizable offence. But, here, the investigation is already

¹ (2014) 8 SCC 273

completed and charge sheet is filed, as admitted. In such case, the question of arrest of the petitioner at this stage does not arise.

Hence, the Writ Petition is disposed of with a direction to the petitioner to appear before the concerned Court after receiving summons or, in case of issuing any non-bailable warrant by the Magistrate, he may take appropriate steps in that regard. No costs.

Miscellaneous petitions, if any pending in this petition, shall stand closed.

11-05-2017
v v/ prv

M. SATYANARAYANA MURTHY, J

