

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.29123 of 2017

ORDER:

This Writ Petition is filed to declare the action of the respondents, in particular 6th and 7th respondents, in trying to exhibit excessive power upon the petitioner by calling him to the police station on the strength of a false complaint and in the absence of there being any crime whatsoever committed by the petitioner, as illegal and arbitrary.

In the relief portion though respondents 6 and 7 have been mentioned, there is no array as such, however, it is what the petitioner means is respondents 3 and 4. Thus, this Court is not required to deal with the typographical error committed by the petitioner and the same need not detain this court from disposing of the writ petition on account of the written instructions placed on record by the learned Government Pleader. The Writ Instructions read as under:

“It is respectfully submitted that as per the records, the facts of the case are as follows:-

One Smt.Govindula Satyam, W/o Satyam, resident of Sitanagar village, Hasanaparthi Mandal, Warangal District had approached the Police of Hanamkonda Police Station and lodged a complaint on 20.06.2017 stating that Siraboina Sarangapani, Seshagiri Sivigari Giri Raju came to her plots and abused her in filthy language regarding the plots in Sy.No.94/2 Hanuman Nagar, JUC Road, near Pegadapally Dabbalu, Hanamkonda, Warangal District and hence requested the police to do justice to her.

Upon receipt of the said petition, entry was made into the Station General Diary on 20.06.2017, after enquiry action will be taken. For the purpose of enquiry into the said petition and to know the veracity in the contents of the said petition, this respondent police tried to contact the petitioner

herein. Instead of informing the real facts, the petitioner sent a legal notice through his counsel.

I humbly submit that since the dispute is purely civil in nature, then and there, this respondent police informed Smt. Govindula Satyam to seek her redressal in a competent court of law. But no action whatsoever was taken till date. On coming to know the lodging of the above complaint, the petitioner as a precautionary measure to prevent the police from taking any action, filed the present writ petition with false and frivolous allegations.

I humbly submit that as of now, this respondent never summoned the petitioner nor made him to sit in the police station for hours together as alleged or interfered with the peaceful and enjoyment of the subject property in question.”

In the light of the above instructions and considering the fact that the civil suit is pending, this Writ Petition can be disposed of with a clear direction to the respondent-police not to interfere with the civil matters and in the event of interference by the individual officers by misusing their official position, the petitioner can also implead those officers, in the suit in their individual capacity. There shall also be liberty to the petitioner to file private complaints against the officers in their individual capacity for the overt acts, if any, in future.

Subject to the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall also stand closed.

CHALLA KODANDA RAM, J.

Date:11.09.2017
Ssv