

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.32616 OF 2013

ORDER:

Heard Mr.P.Suresh Shiv Sagar for petitioners, the Assistant Government (Home) for respondents 1 to 4 and Mr.N.Naveen Kumar for 5th respondent.

The petitioners complain against registration of F.I.R.No.546 of 2013 dated 29.10.2013 at the instance of 5th respondent as illegal.

The 4th respondent filed counter affidavit and on the registration of F.I.R and the steps in this behalf, the counter affidavit reads thus:

"It is pertinent to submit that on receipt of the cognizable complaint from the 5th respondent-complainant, this respondent police immediately acted in accordance with law by registering the FIR and conducted the investigation. It is humbly submitted that it is also a fact that the petitioners herein also approached this respondent police station and lodged complaints against the 5th respondent herein on 28.08.2013 and 24.09.2013 alleging that the 5th respondent is interfering with their lands in question. On causing enquiries, it is clearly established that the matter is civil in nature (land dispute) and hence advised both side parties to settle their issue in a competent civil Court. Necessary entries were made into the General Diary of the Station on receipt of the complaints dated 28.08.2013 and 24.09.2013 from the petitioners herein. But no action was taken since their dispute is purely civil in nature.

It is respectfully submitted that except proceeding with the investigation of the above case registered against the petitioners herein as contemplated under law, this respondent never interfered with the civil disputes. After full-fledged investigation of the above case, it was revealed that there are disputes between complainant-5th respondent and petitioners herein, the said complaint

was referred as civil in nature. Hence the writ petition deserves no consideration”.

From the above, this Court is of the view that the party aggrieved by such position has to work out the remedies before the jurisdictional Court.

By placing on record the stand taken in the counter affidavit, the writ petition is dismissed. There shall be no order as to costs.

Pending miscellaneous petitions, if any, stand closed.

13th November, 2017
Lrkm



S.V.BHATT, J