

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION NO.2333 OF 2017

ORDER:

Heard learned counsel appearing for the petitioners and the learned Government Pleader for Home (A.P.) appearing for the respondents 1 to 3.

2. In view of disposal of the writ petition in the following terms, notice to the 4th respondent is dispensed with and the writ petition is disposed of at the stage of admission.

3. It is stated in the affidavit filed in support of the writ petition that the 3rd respondent registered a case in Cr.No.8 of 2017 on 07-01-2017 under various Sections of I.P.C. basing on the complaint forwarded to him under Section 156 (3) Cr.P.C. by the 2nd Additional Junior Civil Judge, Sattenpalli, Guntur District, which was filed by the 4th respondent. It is further stated in the affidavit by the petitioner that the 3rd respondent has no jurisdiction either to register the complaint or to enquire into the matter. It is further stated that the petitioners borrowed an amount of Rs.26,50,000/- from the 4th respondent by mortgaging the property under an unregistered document. The petitioners are ready to pay back the amount or to register another property, but the 4th respondent without considering the same trying to extract more money from the petitioners by foisting false case against them to gain wrongfully. After registration of the crime, the 3rd respondent summoned the petitioners 1 to 4 to the Police Station and accordingly, they appeared before the 3rd respondent on 13-01-2017, 17-01-2017 and on 21-01-2017 and explained the facts. They also agreed for registration of the land in the name of the 4th respondent as per the prevailing market value, but the 4th respondent without accepting the same, pressurizing the 3rd respondent with his influence with an intention to gain wrongfully and to cause loss to the petitioners. It is further stated that the

petitioners are taking steps for invoking the remedies available to them under law, but at present they are aggrieved by the action of the 3rd respondent in insisting the petitioners to obey the illegal demand of the 4th respondent.

4. This Court is not concerned with the investigation of the crime, which is pending before the 3rd respondent. If the petitioners have any grievance, they are at liberty to take appropriate proceedings in accordance with law. So far as the allegation against 3rd respondent is concerned, learned Government Pleader on the basis of instructions submits that the 3rd respondent never insisted the petitioners to yield to his pressure by misusing his official position or acting in a biased manner. Therefore, it is made clear that the 3rd respondent should act in accordance with law while investigating Cr.No.8 of 2017.

5. In view of submission made by the learned Government Pleader that the 3rd respondent is not acting beyond the scope of his authority, the Writ Petition is liable to be closed.

6. Accordingly, the Writ Petition is closed. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

A.RAMALINGESWARA RAO, J

DATED: 24-01-2017

Hsd