

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.22572 OF 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, came to be filed seeking issuance of Writ of Mandamus declaring the action of the fourth respondent in calling the petitioner to Police Station in crime No.49/17 and interfering with the civil disputes pending between the petitioner and R-5, as illegal and arbitrary.

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Home. With their consent, the Writ Petition is disposed of at the stage of admission itself. Since this Court is not going into the merits of the case, there is no necessity to issue notice to 5th respondent.

The learned counsel for the petitioner mainly submits that though a case in crime No.14 of 2017 is registered against the petitioner, the respondents-Police are calling the petitioner daily to Police Station and insisting him to settle the civil disputes, which are pending with R-5.

Learned Assistant Government Pleader, on instructions, denies the allegations made in the affidavit filed in support of the Writ Petition and submits that the respondents-Police never interfered with the civil disputes, which are said to be pending between the parties.

A reading of the material on record would show that O.S.No.113 of 2016 filed by R-5 against the petitioner seeking eviction from house No.8-19-109 in Tenali Town, Guntur District is

pending before the Civil Court. Further, R-5 also filed a private complaint against the petitioner before the I Additional Munsif Magistrate, Tenali, which was referred to III Town Police Station, Tenali, Guntur District, under Section 156 (3) Cr.P.C., basing on which, a case in crime No.49 of 2017 came to be registered for the offences punishable under Sections 468 and 420 of Indian Penal Code. The grievance of the petitioner is that under the guise of criminal complaint, the Police are insisting the petitioner to settle the civil disputes with R-5 and also calling him to Police Station daily.

Such being the position, the respondents-Police shall investigate into crime No.49 of 2017 in accordance with law, but however, they shall not illegally or unauthorizedly summon the petitioner and detain him in Police Station, without following due process of law. If the respondents-Police intend to take any action against the petitioner, they shall follow the procedure established under law.

Accordingly, the Writ Petition is disposed of.

Miscellaneous petitions pending in this writ petition, if any, shall stand closed. No costs.

C. PRAVEEN KUMAR, J

10.07.2017

Note : Issue C.C. in three days.

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