

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.18033 OF 2017

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Home for the State of Telangana. With their consent, the present writ petition is disposed of at the admission stage itself.

2. Since this Court is not going into the merits of the case, it may not be necessary to issue notice to the 6th respondent.

3. The Writ Petition, under Article 226 of the Constitution of India, came to be filed with the following prayer:

“..to issue a Writ or order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 5th respondent in frequently calling the petitioners to the police stations and threatening to settle the matter with the 6th respondent in the civil suits pending before the Competent Civil Courts at Nalgonda, as bad, arbitrary, illegal and unconstitutional and violation of Article 21 of the Constitution of India, consequently direct the 2nd respondent herein to take appropriate action against the 5th respondent for causing interference in civil disputes and to interfere with day to day peaceful life and liberty of the petitioners and his family members in the interest of justice.”

4. The averments in the affidavit filed in support of the writ petition are that the 2nd petitioner is mother of the 1st petitioner and they are the joint and absolute owners of the agricultural land admeasuring Ac.11.04 Gts., in Sy.No.751, situated at Pochampally

Village and Mandal, Nalgonda District, having purchased the same under registered sale deed, dated 11.10.2006. It is further stated that they sold the said land to the 6th respondent and entered into an agreement of sale dated 02.07.2015 for a sale consideration of Rs.1,24,83,970/- and paid Rs.5,00,000/- as token and Rs.20,00,000/- towards part sale consideration on 02.07.2015 without possession. They agreed to pay the remaining sale consideration on or before 18.01.2016. Though the petitioners have come forward to execute the registered sale deed and got issued the legal notices, the 6th respondent has not expressed his readiness and willingness and thereby, the petitioners got issued legal notices dated 16.03.2016 and 30.03.2016 and cancelled the agreement of sale dated 02.07.2015. Then, the 6th respondent filed a civil suit vide O.S.No.34 of 2016 before the District Judge, Nalgonda, seeking specific performance of agreement of sale and also lodged a report before the police, which came to be registered as Crime No.67 of 2016 for the offences punishable under Sections 447, 427 and 323 read with 34 IPC. Pursuant thereto, the 5th respondent issued notice under Section 41(A)(1) Cr.P.C., directing the petitioners to appear before him. Though the petitioners appeared before the 5th respondent and submitted explanation enclosing all the relevant documents with regard to the civil dispute pending between them, the 5th respondent is alleged to have been frequently calling them to the police station and forcing them to settle the civil dispute

with the 6th respondent failing which threatening to register false cases against them.

5. The grievance of the petitioners is that the respondents are forcing them to settle the civil dispute with the 6th respondent. It is brought to the notice of this Court that two more crimes came to be registered against the petitioners.

6. Learned Government Pleader for Home, on telephonic instructions, denied the involvement of the police in such acts as alleged by the petitioners and submits that any action to be taken by the police will only be in accordance with law.

7. Recording the said statement of the learned Government Pleader, the present Writ Petition is disposed of directing the respondents-police not to interfere with the civil dispute pending between the petitioners and the 6th respondent, and that any action to be taken by respondent No.5 shall be in accordance with law.

Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

Date:07.06.2017
INL