

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 25549 OF 2017

ORDER:

This Writ Petition is filed seeking a *mandamus* to declare the inaction on the part of the 4th respondent Circle Inspector of Police, Punganuru Rural in completing investigation in Crime No. 8 of 2017 registered against Respondents 6 to 8 based on the complaint dated 28.12.2016 of the petitioners, as arbitrary and illegal. The petitioners also seek a direction to the 4th respondent to provide police protection from Respondents 6 to 8.

The grievance of the petitioners is that the 5th respondent, having failed to obtain injunction in O.S. No. 66 of 2003 filed against them in the Court of the Principal Junior Civil Judge at Punganur, seeking declaration of title over the suit schedule property, high-handedly interfering with the suit schedule property and threatening the petitioners with dire consequences. Initially, when the complaint made against the unofficial respondents was not registered by the police, the petitioners were constrained to approach this Court by filing Writ Petition No. 2468 of 2017. Thereafter, when notice was ordered in the said Writ Petition, the 4th respondent obtained a fresh complaint from the petitioners and registered the same as a case in Crime No. 8 of 2017 for the offences punishable under Sections 447, 323 and 506 of the Indian Penal Code read with 34 of the Indian Penal Code. The said complaint was registered on 19.02.2017, despite the same, as no action has been taken by the 5th respondent, Respondents 6 to 8

continued to harass the petitioners. In those circumstances, the petitioners seek police protection from Respondents 6 to 8.

Heard learned counsel for the petitioners.

Learned Government Pleader for Home submits that necessary action would be taken to protect the interests of the petitioners.

It may be noted that the complaint itself came to be registered as Crime No. 8 of 2017 only after filing Writ Petition No. 2468 of 2017 in this Court by the petitioners. The simple complaint of the petitioners is that the unofficial respondents are trying to interfere with their possession and enjoyment of the property. The fact that the 6th respondent filed O.S.No. 66 of 2003 and the same came to be dismissed on 13.10.2016 is evident from the judgment and decree dated 13.10.2016, a copy of which has been annexed to the Writ affidavit. In paragraph 10 of the said judgment and decree, the Court below found that the defendants, who are the petitioners herein, are in possession and enjoyment of the suit schedule property which is covered under valid registered sale deeds marked as Exs.B11 to B18. In the light of the established fact that in O.S.No. 66 of 2003, the petitioners are found to have been in possession and enjoyment of the subject land and that in spite of the injunction granted in their favour, the unofficial respondents are high-handedly interfering with their possession and enjoyment, the inaction on the part of the official respondents cannot be countenanced. In those circumstances, there shall be a direction to the 5th respondent Station House Officer, Ramasamudram Police Station to complete the

investigation in Crime No. 8 of 2017 and file necessary charge sheet / final report within eight weeks from the date of receipt of a copy of this order.

The Writ Petition is accordingly, disposed of. No costs.

Consequently, the miscellaneous Applications, if any shall stand closed.

01st August 2017

CHALLA KODANDA RAM, J

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