

THE HON'BLE SRI JUSTICE S.V.BHATT

W.P.Nos.36787 & 37116 of 2017

COMMON ORDER:

Heard Mr. Damodar Mundra and Mr.Vedula Srinivas for petitioners in these two writ petitions.

The petitioners are different but the respondents are same and the prayers in these two writ petitions refer to FIR No.467 of 2017 dated 29.10.2017 and FIR No.468 of 2017 dated 29.10.2017. The subject land of these two FIRs refers to Sy.Nos.288/1, 289, 299, 300 and 301 of Chilkur Gram Panchayat in an extent of Ac.15.33 gts of Moinabad Mandal.

The Assistant Government Pleader placed before the Court FIR No.261 of 2017 filed by Amatul Gousia @ Rohi Javeed, FIR.467/2017 registered at the instance of Sugra Begum (1st petitioner in WP.No.36787 of 2017) and FIR No.468 of 2017 registered on the complaint of Inspector of Police, Moinabad P.S. Before referring to the accusation in these three complaints, this Court finds it convenient to refer to a few circumstances preceding the registration of the FIRs referred to above.

Faisal Bin Tirif and Abdullah Bin Tirif (petitioners in W.P.No.37116 of 2017) filed O.S.45 of 2016 on 14.7.2016 before the learned Additional District Judge, Ranga Reddy District at Vikarabad against Amatul Gousia (complainant in

Cr.No.261 of 2017). The parties to O.S.45/2016 settled under a compromise deed before the Lok Adalat vide Award dated.13.8.2016. The Decree Holders filed E.P.No.4 of 2017 and Meher Unnisa Begum @ Sugara Begum(1st petitioner in W.P.36787 of 2017) filed Claim Petition. To the extent of the executability of the decree and to the effect of compromise decree etc., cannot and could not be the subject matter of these writ petitions and hence, this Court does not refer to other allegations and counter allegations in this behalf.

As already noted, there was scramble for possession, resulting in registration of the FIRs referred to above. While matter stood thus, the Inspector of Police filed complaint under Section 145 of Criminal Procedure Code and the same is registered and the registration of FIR No.468 of 2017 is challenged by the accused shown in the complaint.

Having regard to the stand of Assistant Government Pleader that the mode and manner of registration of FIR particularly under Section 145 of Criminal Procedure Code by the Inspector of Police does not conform to the requirements of law, this Court need not examine either rival contentions and thereafter express its view on the legality or otherwise FIR.468 of 2017. By placing on record the statement of Assistant Government Pleader, FIR.468 of 2017 is quashed as illegal.

The ancillary or incidental prayer in W.P.No.36787 of 2017 is that FIR.467/2017 is not investigated or any action taken against the trespassers named in the FIR. FIR is produced.

After perusing the record, this Court is satisfied that by accepting the statement of Assistant Government Pleader, made on the instructions of Inspector of Police who is present in the Court that investigation will be expedited and as required from the material discovered in the process of investigation, appropriate decision would be taken.

Hence, W.P.No.37116 of 2017 and W.P.No.36787 of 2017 are disposed of by this order :-

- a) FIR.468 of 2017 is quashed as illegal.
- b) The 3rd respondent, Station House Officer, P.S. Moinabad is directed to expedite the investigation vide FIR.467 of 2017 and file charge sheet or report as circumstances warrant, as expeditiously as possible preferably within four (04) weeks from today.

Miscellaneous petitions, if any, pending, in these writ petitions shall stand closed.

S. V. BHATT, J

08.11.2017
Kp/dv