

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO
WRIT PETITION No. 39559 & 42769 of 2016 and 3587 of 2017

COMMON ORDER:

These three writ petitions are being disposed of by this common order as they relate to the incidents that occurred in connection with establishment of Godavari Mega Aqua Food Park within the limits of Bhimavaram Police Station.

W.P.No.39559 of 2016 was filed by Mallula Suresh and another challenging the action of the police in torturing and harassing them. This Court by order, dated 01.12.2016, directed the Police not to interfere with the functioning of the old age home situated at Krishna Sai Nagar, Palakol.

W.P.No.42769 of 2016 was filed by V.Shankar and others challenging the registration of Crime No.142 of 2016 by the Station House Officer, Palakol Police Station, West Godavari District, whereas W.P.No.3587 of 2017 was filed by Mallula Suresh and another for quashing F.I.R.No.223 of 2016, dated 21.12.2016 on the file of Palakol Police Station.

Though the Mega Aqua Food Park comes within the limits of Bhimavaram Police Station, the Police at Palakol registered cases against the petitioners and in that connection, the present writ petitions were filed.

The case of petitioner No.1 in W.P.Nos.39559 of 2016 and 3587 of 2017 is that he is a resident of Vedangi Village, Poduru Mandal, West Godavari District, and was a Journalist. He has been doing social service apart from his regular journalist activities. He established one Viswamanava Vedika, Non-Governmental Organization, in 2014 after he ceased to be a Journalist. He established one old age home in 2016 and at present, it is giving shelter to 23 old age people and providing food to 200 persons daily. He is also undertaking blood donation camps and other social service activities. He further states that he supported the protest led by farmers and fishermen of nearby villages who were affected by the establishment of Mega Aqua Food Park, which is proposed to be situated adjacent to a drinking water tank. He further states that the establishment of the said Mega Aqua Food Park is not in the interest of public. He further states that since he is supporting the aggrieved farmers and fishermen, the local Member of Legislative Assembly and others threatened him. The police are having hand-in-glove with the supporters of the Mega Aqua Food Park. Earlier, he filed W.P.No.41346 of 2016 and obtained stay of arrest on 01.12.2016. He also states that respondent No.7 in W.P.No.3587 of 2017 being one of close followers of local Member of Legislative Assembly erected number of flexi boards against the petitioner stating that he is anti-dalit.

In W.P.No.42769 of 2016, petitioner No.1 states that he is a native of Ullamparru Village, Palakol Mandal, West Godavari District and he is also an active member of Viswamanava Vedika. He further states that he is supporting the protest led by farmers and fishermen against Mega Aqua Food Park. He also states that on 27.07.2016, while he was coming from second show of the movie, respondent No.7 and her friends developed altercation and indiscriminately beat him. He was admitted in Government Hospital, Palakol and Crime No.137 of 2016 was registered and police filed charge sheet. The husband of respondent No.7 was shown as Accused No.1 in C.C.No.297 of 2016 which is pending. He also states that he is one of the petitioners in W.P.No.39559 of 2016.

Learned Government Pleader for Home, on the basis of written instructions, submits that four cases were registered against the petitioners in W.P.No.39559 of 2016 and they were habitual offenders, doing unlawful activities and exploiting and inciting the public to create law and order problem in the area. However, he denies the interference by the police with regard to the old age home.

In respect of W.P.No.42769 of 2016, he submits that respondent No.7 lodged a complaint on 4.8.2016 before respondent No.6 and basing on the same, Crime No.142 of 2016 was registered on the same day and investigation is under progress. Petitioner

No.2 was arrested and sent to judicial custody and other accused are absconding.

In the light of the above averments, it has to be seen whether this Court can interfere with the registration of the crimes against the petitioners. It is the duty of the Police to investigate the crime, whenever a complaint was registered by them. This Court cannot interfere with the investigation process. But, the learned counsel for the petitioners submits that though petitioner No.1 in W.P.No.39559 of 2016 lodged a complaint on 20.12.2016, the same was not taken into consideration and no case was registered and that the cases are being registered against the petitioners in view of their participation in the agitation and also for supporting the aggrieved farmers and fishermen in the establishment of Mega Aqua Food Park.

From the facts and circumstances of the case, it appears that there is some truth in the submissions made by the learned counsel for the petitioners. However, since this Court is not inclined to interfere with the investigation process, the relief sought by the petitioners cannot be granted so far as the quashing of the crimes are concerned.

In view of extraordinary situation and facts and circumstances of the case, the respondents are directed not to arrest the petitioners during the process of investigation except after obtaining appropriate

permission from the Court/Magistrate concerned, when custody of the petitioners is warranted. It is needless to observe that since the petitioners are running old age home and doing social service activity, the same cannot be interfered with by the police in the process of investigation. It is the duty of the police to register complaints lodged by the petitioners against the accused whenever they bring it to their notice. In view of the nature of offences, the respondents are directed to complete the investigation and submit a final report within three months thereafter.

The writ petitions are accordingly disposed of.

Miscellaneous petitions, if any, pending in these writ petitions shall also stand closed. There shall be no order as to costs.

Dt:07.02.2017

kdl

A.RAMALINGESWARA RAO,J



