

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.38007 of 2017

ORDER:

Heard Sri T.Rajesh for petitioners and the Assistant Government Pleader (Home) for respondents 1 to 3.

Verla Venkateshwarlu/5th respondent is aged 92 years and admittedly, the father of 2nd petitioner, father-in-law of 3rd petitioner and grand father of 1st petitioner.

The petitioners filed the writ petition for the following relief :-

“... to issue a writ or direction more particularly one in the nature of writ of mandamus, declaring the action of the respondent/ police in pressurizing the petitioners to cancel the gift deed executed by the 5th respondent in favour of the 1st petitioner by interfering in the civil dispute and also personal liberty of the petitioners without any legal cause, is illegal, arbitrary and violation of Articles 19 and 21 of the Constitution of India and consequently direct the respondent police from interfering with the civil dispute by calling the petitioners to the respondent/ police station”.

The Assistant Government Pleader (Home) places on record copy of FIR No.123 of 2017 registered for the offences punishable under Sections 323, 342, 380, 420 and 506 read with 34 IPC by 3rd respondent. She further submits that since crime is registered, as the allegations referred to commissioning of an offence, the matter is being investigated within the four corners of law and the petitioners either in the name of or under the guise of subsisting civil dispute cannot prevent the investigating agency from investigating Cr.No.123 of 2017.

The counsel for petitioners submits that there is a civil dispute and now the respondents are trying to interfere in the civil dispute between petitioners and 5th respondent.

I have perused the affidavit, the complaint of 5th respondent and registration of Cr.No.123 of 2017.

In the case on hand, this Court is of the view that the expression interfering with the civil dispute cannot be stepped up as a generic expression to grant any immunity of enquiry or investigation into a crime registered by the police under Criminal Procedure Code.

The case on hand is an example in its total terms that a situation can warrant both civil and criminal aspects. In the case on hand, in the name of civil dispute, this Court is not inclined to restrain the 3rd respondent from investigating Cr.No.123 of 2017.

The writ petition fails and is accordingly dismissed. It is made clear that the investigation confines to the registration of Cr.No.123 of 2017 alone.

Miscellaneous petitions, if any, pending, shall stand closed.
No order as to costs.

S. V. BHATT, J

Dt: 13-11-2017
Prv

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Prv

