

HON'BLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.2039 of 2013

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader appearing for respondent Nos.1 and 2.

The prayer sought in the writ petition is as under:

“... Hon'ble Court may be pleased to issue an order or direction, more particularly one in the nature of writ of Mandamus declaring the action of the respondents in interfering with the civil disputes of the petitioner and her father-in-law as illegal and arbitrary and to take appropriate action against the unsocial elements like the 3rd respondent in pursuance of the FIR.No.368 of 2012 on the file of Mahaboobnagar Rural Police Station forthwith is an arbitrary action, and the action of the 3rd respondent in not taking any action on the complaint filed by the petitioner dated 22.12.2012 as illegal, unjust and arbitrary, contrary to all cannons of law.”

The case of the petitioner is that she is the owner and possessor of plots bearing Nos.19 and 20 in Sy.No.239/2A admeasuring 250 square yards situated at Ward No.7, Block No.5 of Municipality, Mahabubnagar Town and District. The said property was acquired by her husband under a gift deed dated 27.07.2010. However, her father-in-law and his henchmen directed her husband to leave her and to give divorce so that he can marry again. Since her husband did not oblige her father-in-law, disputes arose between them. Her husband filed a suit against his father for declaration of title and injunction in O.S.No.172 of 2012 on the file of the Senior Civil Judge, Mahabubnagar and the same is pending. However, the subordinate staff of the 2nd respondent called her husband to the police station daily along with her and made them to sit in the police station for hours together and abused them in filthy language. They also threatened with dire consequences stating that if they failed to vacate the property, as directed, they will see

their end. In those circumstances, the petitioner's husband lodged a private complaint on 10.12.2012 and the same was referred under Section 156 (3) Cr.P.C., to the Station House Officer. Pursuant thereto, a crime was registered vide FIR.No.368 of 2012. In spite of the same, no action has been taken.

Learned Government Pleader for respondent Nos.1 and 2 placed on record the written instructions received from the Station House Officer, Mahabubnagar Police Station.

A perusal of the said instructions would reveal that it is a false case and accordingly, a final report referring the case as false is filed before the learned Judicial First Class Magistrate, Prohibition and Excise, Mahabubnagar, on 13.02.2015. In the light of the same, it cannot be said that the petitioner was harassed nor the respondent police tried to interfere with the civil disputes of the petitioner and her father-in-law. Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed.

Miscellaneous petitions, if any, shall also stand dismissed.

P. KESHAVA RAO, J

Date: 06.11.2018.
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