

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.3095 OF 2018

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for Home (A.P.) appearing for respondent Nos.1 to 3.

2. When the matter is taken up, written instructions, dated 07.02.2018, furnished by the Sub-Inspector of Police, Yemmiganur Rural Police Station, Kurnool District, are placed on record by the learned Government Pleader for Home. The said instructions read as under:

“The facts of the case are that on 27.01.2018 on the complaint of 5th respondent C.B.Chandra Sekhar S/o C.B.Someswaraiah resident of Yenugubala village a case was registered in FIR No.03/2018 for the offences U/s. 427, 324, 506 read with 34 IPC on the file of Yemmiganur Rural Police Station against the petitioner/Magali Venkatesh and his cousin brother Mangali Raghavendra S/o Ranganna, resident of SMT colony, Yemmiganur Mandal.

The sum and substance of the complaint are that the accused being neighboured to the house of 5th respondent and their houses are situated side by side which were constructed in old era by their forefathers and their houses are having joint wall. About three months back the 5th respondent was demolished his old house in order construction of new house at the same place. While so, there are some allegation were cropped up in between the petitioner and 5th respondent. As such they were conducted Panchayath in the presence of village and issue was pacified amicably in between both parties. As such on 25.01.2018 morning the 5th

respondent was constructed new wall which is situated in between their houses as suggested by the village elders amicably in the presence of the petitioner and his relatives. On 27.01.2018 at about 14.00 hours the petitioner and his cousin brother Mangali Raghavendra was came to the petitioner and their parents while they were putting water to the newly constructed wall and stated that they were dislike over the Panchayath held by the elder so saying they demolished newly constructed wall with a crow bar and caused damage to the tune of rupees about Rs.2000/- to the 5th respondent and the petitioner was beat the 5th respondent with a crow bar, caused bleeding injury on the left knee when he intervened to act of the petitioner and also the petitioner and cousin brother Mangali Raghavendra were threatened the petitioner and his parents saying that they see their end if he filed a criminal case against them in this issue. Thus the accused caused voluntarily mischief, injured and criminal intimidated the 5th respondent and his parents.

During the course of investigation the Sub Inspector of Police Yemmiganur Rural Police Station being an investigating officer made all tactic efforts to apprehend the accused in this case i.e. the petitioner and his cousin brother Mangali Venkatesh who are the accused in FIR No.03/2018 U/S 427, 324, 506 r/w 34 IPC of Yemmiganur Rural P.S. After completion of investigation, an appropriate report will be filed before the concerned Court.

It is respectfully submitted that the Sub Inspector of Police, Yemmiganur Rural Police Station are never harassed the petitioner and never interfered in the civil issue as alleged by the petitioner.”

3. Having regard to the above instructions and taking into consideration the submissions of learned counsel for the petitioner so also the learned Government Pleader for Home, the Writ Petition is disposed of, by placing on record the above said written instructions, dated 07.02.2018, furnished by the Sub-Inspector of Police, Yemmiganur Rural Police Station, Kurnool District. There shall be no order as to costs.

4. Consequently, Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

Date: 22.02.2018
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JUSTICE A.V.SESHA SAI

