

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No.4132 of 2016

ORDER :

This writ petition is filed by the petitioner seeking *Writ of Certiorari* calling for the connected records relating to Crime No.332/2015 of Pahadishereef Police Station, Hyderabad, and calling him to the Police Station and seeking to arrest him, though his name does not find place in the FIR and without registration of any crime against him, as illegal and arbitrary.

The case of the petitioner is that one Mohd. Ashraf Ghori and others have approached this Court by way of filing W.P.No.21597 of 2015 seeking Mandamus directing the respondents therein to consider and grant regularization of possession of their house properties situated in Sy.Nos.78, 79 and 80 of Balapur Village, Saroornagar Mandal, Ranga Reddy District, in terms of G.O.Ms.No.59, dated 30.12.2014, and further sought a direction to the respondents not to dispossess them from their houses so long as their applications for regularization are under consideration. Along with the writ petition, they have also filed WPMP.No.27850 of 2015 seeking interim direction and vide order dated 13.07.2015, this Court was pleased to grant interim orders directing the respondents therein not to remove the unauthorized constructions made by the petitioners therein

until disposal of their applications for regularization with a further direction to the petitioners therein to maintain *statusquo* obtaining as on that date and not to make any further construction until further orders. Subsequently, vide order dated 07.11.2015, the said writ petition was disposed of granting appropriate orders. Similarly, one Mohd. Laiq and others have also filed W.P.No.22635 of 2015 for issuance of Mandamus directing the respondents therein to act in accordance with law and forbear from interfering with their possession and enjoyment of houses in Sy.Nos.78 to 88 and 90 of Balapur Village, Saroornagar Mandal, Ranga Reddy District. They also filed WPMP.No.29249 of 2015 for interim direction to the respondents therein not to demolish their houses. On consideration of the material on record, vide order dated 21.07.2015, this Court was pleased to grant interim orders directing the respondents therein to maintain *statusquo*. In spite of the clear orders passed by this Court and during the pendency of WVMP.No.3087 of 2015 filed by the official respondents seeking vacation of the above interim orders, on 22.09.2015 the Village Revenue Officer, Balapur, and the Revenue Inspector, Balapur, along with 30 to 40 people came to the houses of the petitioners in the above writ petitions and tried to demolish their houses. Thereafter, apprehending contempt proceedings, the 5th respondent – Deputy Collector & Tahsildar, Saroornagar Mandal, has lodged a complaint with respondent No.4 – SHO,

Pahadishereef Police Station, falsely alleging that one Baba @ Seetharam Reddy, who is said to be the Supervisor of the said area, has man-handled the Revenue officials and threatened them with dire consequences thereby causing obstruction in discharge of their official duties and requested to take necessary action as per law. Basing on the said complaint, respondent No.4 has registered Crime No.332/2015 for the offences punishable under Sections 353, 504 and 506 IPC, wherein the name of the petitioner is not at all shown. However, under the impression that the petitioner himself is Baba @ Seetharam Reddy, when the police are calling him to the Police Station and making him to sit there, the petitioner filed CrI.P.No.1321 of 2016 seeking to quash Crime No.332/2015 of Pahadishereef Police Station, Hyderabad. As this Court expressed that since the petitioner's name is not mentioned in the FIR, it may not be possible to entertain the said Criminal Petition to quash the FIR and as the petitioner has not committed any offence and as registration of Crime No.332/2015 is contrary to law, the petitioner has filed the present writ petition for the aforesaid relief.

Heard learned counsel for the petitioner as well as the learned Assistant Government Pleader for Home and perused the material on record.

Learned Assistant Government Pleader for Home submits that the writ petition is of the year 2016 and since

investigation is completed in the above Crime No.332/2015 and charge sheet has been filed, there is no need for the police to call the petitioner to the police station.

Having regard to the facts and circumstances of the case, this writ petition is disposed of recording the submission of the learned Assistant Government Pleader for Home that investigation is completed in the above Crime No.332/2015 and charge sheet has been filed, there is no need for the police to call the petitioner to the police station. No order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

GUDISEVA SHYAM PRASAD, J

24.04.2018.
Msr

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