

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

WRIT PETITION NO.7514 OF 2018

ORDER:

This petition is filed by the petitioners under Article 226 of the Constitution of India seeking to issue writ of certiorari quashing the Cr.No.2478 of 2017 on the file of the Station House Officer, Rajendranagar Police Station, registered for the offences punishable under Sections 506 r/w 34 IPC and 3 (1) (r) (s) of SCs & STs (POA) Amendment Act, 2015.

2. Heard learned counsel for the petitioners, learned Assistant Government Pleader for Home and perused the record.

3. Learned counsel for the petitioners would submit that false and omnibus allegations are made. The petitioners are instrumental in lodging so many complaints against the de facto complainant and others for trespassing illegally and occupying the Government land. The petitioners were served with a notice under Section 41-A Cr.P.C. For that, the petitioners gave a detailed reply explaining reasons for lodging report. After issue of notice under Section 41-A Cr.P.C., the police are contemplating to arrest the petitioners and ultimately prayed to allow the petition.

4. On the other hand, learned Assistant Government Pleader for Home opposed the relief sought for by the petitioners in the petition

5. In the F.I.R. lodged with the police, there is a mention with regard to the petitioners moving in the village without any work. It is also alleged that they abused the de facto complainant and others on several occasions in the

name of the caste of the de facto complainant and the relatives of the de facto complainant. It is also alleged that the petitioners alleged to have abused the de facto complainant and others stating that the de facto complainant and others belong to Reddy community. The petitioners lodged report with the municipality concerned alleging that the de facto complainant and his relatives have constructed Nandanavanam Apartment without there being any permission. The de facto complainant and others said to have constructed the said apartment after due permission. It is alleged that the petitioners indulged in lodging false reports against the de facto complainant and others. It goes to show that there is enmity between the parties to the litigation. There is a detailed explanation of the petitioners with regard to the notice served on them under Section 41-A Cr.P.C. There are also registration of criminal cases. There is also material to show that the petitioners filed W.P.No.2288 of 2015 before this Court. It is also alleged by the petitioners that on 08.08.2015, the de facto complainant and his brother Sreeramulu beat the petitioner-A2 and later petitioner-A2 was admitted in the hospital. On a complaint lodged with the police, a case in Cr.No.945 of 2015 was registered. Thereafter, the petitioners lodged a report with the police and the same was registered as a case in Cr.No.946 of 2015 of Rajendranagar Police Station. The petitioner-A2 obtained stay orders, dated 04.09.2015 in W.P.No.28804 of 2015 filed by him before this Court. It goes to show that there is long rivalry between the parties to the litigation. The truth or otherwise of the allegations do require investigation.

6. In view of the contentions and rival contentions and in view of notice issued under Section 41-A Cr.P.C., to

the petitioners and the explanation submitted by them, it is appropriate to protect the interest of the petitioners-A1 and A2.

7. Under these circumstances, the Station House Officer/Investigating Officer concerned is directed to complete the investigation and file final report, without arresting the petitioners-A1 and A2 in the above crime. The petitioners-A1 and A2 shall co-operate with the Investigating Officer.

8. With the above direction, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, if any pending in this Writ Petition shall stand closed.

DATED: 08-03-2018.

Hsd

DR.SHAMEEM AKTHER, J

