

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.10704 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim the following relief:

“For the reasons stated in the accompanying affidavit it is therefore prayed that this Hon’ble Court may be pleased issue a Writ of Mandamus or any other appropriate Writ, Order or Orders, Direction or Directions to direct the 5th respondent to act in accordance with law and not to interfere in any manner with the peaceful possession and enjoyment by the petitioner of the properties in agriculture land admeasuring one acre in Sy.No.210, Yadgarpalli East Village, Yadgarpalli Gram Panchayat, Keesara Mandal, R.R. District, House No.4-100/14/2 and 4-100/14/3 admeasuring 500 sq.yards in Sy.No.242/ru and House No.4-100/14/1 admeasuring 650 sq.yards in Sy.No.242/ru and 243 of Yadgarpalli Gram Panchayat, Keesara Mandal, Ranga Reddy District, and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

2. I have heard the submissions of Sri *Vedula Srinivas*, learned counsel appearing for the petitioner, and of the learned Government Pleader for Home (Telangana) appearing for the respondents 1 to 4. I have perused the material record.

3. Learned counsel appearing for the petitioner, while reiterating the pleaded case, submits that the petitioner herein filed O.S.No.248 of 2017, on the file of the Court of the learned Additional Junior Civil Judge, Malkajgiri; that in that suit, the petitioner obtained an *ad interim* injunction order in I.A.No.845 of 2017; that the said order, which was granted by the civil Court is in force; that, similarly, the petitioner also filed another suit in O.S.No.289 of 2017 along with his brother; that in that suit also, an *ad interim* injunction order was granted in I.A.No.876 of 2017;

that the said order is also in force; that another suit in O.S.No.1096 of 2017 is pending on the file of the Court of the learned II Additional Senior Civil Judge, Ranga Reddy District, for partition of joint family properties; that in that suit, the father of the petitioner and the 6th respondent are parties. He would further submit that despite injunction orders in favour of the petitioner in respect of the subject properties and the fact that the matters are *sub judice*, the Police Officers are interfering with the peaceful possession and enjoyment of the said suit properties by the petitioner at the behest of respondents 5 & 6. He would also submit that if a direction is given to the Police Officers not to aid the unofficial respondents contrary to the injunction orders granted by the civil Courts, which are in force, the ends of justice would be met.

4. Learned Government Pleader for Home, on written instructions, dated 10.04.2018, a copy of which is placed on record, would submit that on the complaint of the 6th respondent lodged with Keesara Police Station, Rachakonda Commissionerate, a case in Crime No.43 of 2018 was registered, on 09.02.2018, against the petitioner and others for the offences punishable under Sections 447, 504 & 506 of Indian Penal Code, 1860; that the said case is under investigation; that the petitioner herein and another filed a private complaint under Section 200 of the Code of Criminal Procedure, 1973, on the file of the X Metropolitan Magistrate, Cyberabad, at Malkajgiri, against the 6th respondent herein and others; that on a reference made by the said Court, a case in Crime No.117 of 2018 was registered, on 29.03.2018, on the file of the Keesara Police Station, Rachakonda Commissionerate, for the

offences punishable under Sections 379, 427, 447 and 120 (b) of the Indian Penal Code, 1860, and Section 156(3) of the Code of Criminal Procedure, 1973; that the investigation into the said case is in progress; that there was no interference in the civil disputes by the Police; that in one of the crimes, the petitioner/A-3 was arrested; that except conducting investigations into the afore-said crimes, no interference is caused with the alleged enjoyment of the properties by the petitioner; and that the writ petition is filed to escape from the penal consequences and to divert the attention of the Investigating Agency.

5. Having given earnest consideration, this Court is of the considered view that this writ petition can be disposed of with appropriate directions.

6. Accordingly, the Writ Petition is disposed of directing the Police Officers/respondents 4 & 5 not to aid the parties to the civil suits mentioned supra, who suffered injunction orders. However, this order shall not preclude the Investigating Officers in investigating into the above crimes, by following the procedure established by law. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

M.SEETHARAMA MURTI, J

Date: 12th April, 2018

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