

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.11775 of 2018

ORDER:

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

“..to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent Nos.2 & 3 in involving in Civil disputes and obtaining undertakings by summoning the petitioners to Police Station for settling civil disputes with respondent No.4 in respect of H.No.3-9-56 in Sy.No.47 of Ashok Nagar, Mallapur, at the instance of the respondent No.4 is arbitrary and illegal and to pass such other order or orders appropriate in the case.”

2. I have heard the submissions of the learned counsel for the petitioners and of the learned Government Pleader for Home (Telangana) appearing for respondents 1 to 3. I have perused the material record.

3. At the hearing, learned counsel for the petitioners would submit that the petitioners along with others are the owners of a house bearing No.3-9-56, Plot No.51 North part and Plot No.52 North part in Survey No.47 of Ashok Nagar, Mallapur; that there is a dispute between the petitioners and the fourth respondent with regard to the said property; that the fourth respondent filed O.S.No.504 of 2017 on the file of the Principal Junior Civil Judge, Ranga Reddy District at L.B. Nagar, against the petitioners and others, and the same is pending; and that though the dispute is purely civil in nature,

respondents 2 and 3 at the instance of the fourth respondent are calling the petitioners to the police station and threatening them to settle the civil dispute.

4. Learned Government Pleader for Home, on written instructions, dated 09.04.2018, a copy of which is placed on record, would submit that based on the complaint given by the fourth respondent, a case in Crime No.227 of 2018 was registered by the Station House Officer, Kushaiguda Police Station, Rachakonda Commissionerate against the petitioner for the offences punishable under Sections 406, 420, 427, 506 r/w 34 I.P.C.; and, that investigation into the said case is taken up.

6. Learned counsel for the petitioners, in reply, would submit that though the civil suit is pending, the crime was registered as a counter blast to the writ petition.

7. Recording the submissions, the writ petition is disposed of directing the Investigating Officer, who is investigating into the aforestated crime, not to call the petitioners to the police station except in connection with the investigation into the aforestated crime, that too, without following the due procedure established by law. The Investigating Officer is also directed to follow the guidelines of the Supreme Court in ***Arnesh Kumar v. State of Bihar***¹ and also the mandate of law in Section 41(A) of the Code of Criminal Procedure, 1973, while investigating into the aforestated crime. It is made clear

¹ 2014(2) ALT (CrI.) 457 (SC)

that the petitioner shall extend necessary cooperation to the Investigating Officer during the course of investigation.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M. SEETHARAMA MURTI, J

Date: 09.04.2018
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