

THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION NO. 28163 OF 2013

ORDER:

1. Heard the learned counsel for the petitioners and the learned Government Pleader appearing for respondent Nos. 1 to 5.

2. The prayer sought in the Writ Petition is as under:

“to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents with particular reference to Respondents 4 & 5 in interfering with civil disputes and harassing the petitioners by registering false case i. e., F.I.R. No 254 /2013 dt. 4.9.2013 on the file of Toopran Police Station at the instance of 6th Respondent who is trying to grab the Petitioner's lands situated in Sy. No. 228, Dillai, Kucharam Village, Toopran Mandal, Medak District with the assistance of Respondents 8 & 9 as illegal, unjust, arbitrary, violative of Rule of Law and vitiated by favouritism and mala fides and also violative of Articles 14, 19, 21 and 300-A of the Constitution of India and consequentially quash F.I.R. No 254/2013 dt. 4.9.2013 on the file of Toopran Police Station, Medak District and the proceedings pending before the Court of Judicial First Class Magistrate, Special Mobile Court at Medak in connection with the F.I.R. No. 254/2013 dt. 4.9.2013.”

3. Learned GP appearing for respondent Nos. 1 to 5, basing on the counter affidavit filed on behalf of respondent No.5, submitted that respondent No.6 herein approached the Police of Toopran P.S. and lodged a complaint leading to registration of Cr.No.254 of 2013 under Sections. 447, 427 and 506 IPC. Pursuant to the registration of said crime, the investigating officer examined respondent No. 6 and other witnesses and recorded their detailed statements. From the said statements, a prima facie case is made out against all the accused for commission of the offence punishable under the above said Sections. However, ample evidence has been collected during the course of investigation which goes to show that at the instigation of petitioner No.1 i.e., A1, the other accused A2 to A4 came in a Tata Sumo bearing No. AP 11 F 7707 and trespassed into the land of respondent No.6. However, in the light of the interim orders passed on 3.10.2013 in this Writ Petition, the petitioner No.1 is not arrested and no steps are taken against him. The investigation is also almost completed in the said crime. The petitioners having bore grudge against respondent No.6, filed the present Writ Petition with false and baseless allegations against the respondent Police. Except conducting an enquiry, pursuant to registration of Crime No. 254 of 2013, respondent Nos. 2 to 5 neither interfered in the

disputes pending between the parties nor tried to grab the lands of the petitioners.

4. In the light of the specific statement made on oath in the counter affidavit, this Court is of the opinion that no further orders are required.

5. Accordingly, the Writ Petition is closed.

6. At this stage, learned counsel for the petitioners requested that since charge sheet is not filed, petitioner No.1 being a Professor in Osmania University, directions may be given to respondent Nos. 1 to 5 not to arrest him.

7. Though, in the counter affidavit it is mentioned that the investigation is almost completed, if any further investigation is left out, respondent Nos. 1 to 5 are directed to follow the procedure as contemplated under Section 41-A of Cr.P.C. and take appropriate steps.

Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

P. KESHAVA RAO,J

Date: 6.11.2018

KPM