

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.14257 OF 2018

ORDER:

In this Writ Petition, under Article 226 of the Constitution of India, the grievance of the writ petitioner is in respect of interference of the respondents 3 and 4/police officers in a civil matter at the instance of the respondents 5 to 7.

2. I have heard the submissions of Sri D.V.Chalapathi Rao, learned counsel for the petitioner, and of the learned Government Pleader for Home (A.P.), appearing for the respondents 1 to 4. I have perused the material record.

3. Learned counsel for the petitioner would submit as follows:

There is a partnership civil dispute between the petitioner and the 7th respondent. In view of the interference by the said police officers/respondents 3 and 4, they are added as respondents 5 and 6 in the writ petition, as they are also misusing their official power at the instance of the 7th respondent and sending their subordinates to the residence of the petitioner and are continuously calling the petitioner on cell phone, the numbers of which are furnished in the writ petition, and are insisting upon to settle the disputes with the 7th respondent without any manner of right and in violation of the law and the Articles of the Constitution of India.'

4. Learned Government Pleader for Home, on written instructions, dated 29.04.2018, a copy of which is placed on record, would submit as follows: The petitioner and the 7th

respondent purchased chillies from ryots and did not pay any amount to the said farmers. Therefore, the 7th respondent, who is the brother of the petitioner, lodged a report with the Superintendent of Police, Guntur Urban and the same was forwarded to the Sub-Inspector of Police, Lalapet Police Station, Guntur. On receipt of the said report lodged by the 7th respondent, the Station House Officer, Lalapet Police Station conducted a preliminary enquiry. In that enquiry, it is revealed that having purchased chillies from the ryots, the petitioner and the 7th respondent have not paid any amount and the matter is civil in nature; and, that therefore, the said police officer advised the petitioner and the 7th respondent to approach the civil Court and settle the issue. The result of the enquiry is also communicated by the said police officer to the Superintendent of Police, Guntur Urban.'

5. In reply, learned counsel for the petitioner submits that the ryots have not lodged any report and that the fact that on the complaint of the brother of the petitioner/7th respondent, the police are interfering in the matter sufficiently supports the case of the writ petitioner.

6. Having regard to the submissions, the Writ Petition is disposed of directing the respondents 3 and 4/respondents 5 and 6 not to interfere with the civil dispute between the petitioner and the 7th respondent and not to indulge in any acts like calling the petitioner to the police station or calling him on cell phone. However, this order shall not preclude the police officers from

conducting investigation in the event of registration of crime against the petitioner.

7. It is necessary to note that the petitioner also states that he submitted a representation to the 2nd respondent against the respondents 5 and 6 and that no action has been taken and in that view of the matter, a direction is sought to the 2nd respondent to act on the representation of the petitioner.

8. In the considered view of this Court, no further directions need be given to the 2nd respondent, as the petitioner has already given a representation. It is made clear that in the event the petitioner is aggrieved by the non-consideration of any such representation by the 2nd respondent, he may submit a fresh representation in that regard or take steps for redressal of his grievance by following the procedure established by law. There shall be no order as to costs.

Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE M.SEETHARAMA MURTI

Date: 30.04.2018

Note:- Furnish C.C. by 02.05.2018

B/O
AMD