

HON'BLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.4550 of 2014

ORDER:

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

The prayer sought in the writ petition is as under:

“... Hon'ble Court may be pleased to issue a writ or writs or order or orders one more particularly in the nature of writ of mandamus declaring the action of the 3rd and 4th respondents in interfering with the civil disputes between the petitioner and 6th respondent and sending police constables to the house of the petitioner on 13.02.2014 as illegal, arbitrary and unconstitutional and consequently direct the 3rd and 4th respondents not to interfere with the civil disputes between the petitioner and 6th respondent for recovery of money.”

The basic grievance of the petitioner is that respondent Nos.3 and 4 are interfering with the civil disputes between him and the 6th respondent apart from sending the constables to his house on 13.02.2014 and consequently direct them not to interfere with the civil disputes.

Learned Government Pleader filed a counter affidavit on behalf of respondent No.5.

A perusal of the counter affidavit would indicate that the 6th respondent filed a complaint on 20.02.2014 against the petitioner and one Komaragiri Subba Rao stating that they were giving movie rights for playing Thufan cinema in their theatres and at the same time he paid refundable advance of Rs.24 lakhs to get the movie exhibited. After one week, they paid Rs.7,38,490/- from movie collection amount

without giving the remaining refundable advance and thereby cheated him. Pursuant to the said complaint, Crime No.32 of 2014 under Section 420 read with Section 34 IPC was registered and during the course of investigation, the investigating officer examined the 6th respondent and other witnesses and recorded their detailed statements. It is stated in the counter affidavit that since the date of registration of FIR, the petitioner is absconding. It is also stated that prior to registration of the case, the respondent police never summoned the petitioner nor asked him to settle the matter with the 6th respondent or any amount was paid to him.

In the light of the above said specific statements made in the counter affidavit, there are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. Interim order, if any, stands vacated.

Miscellaneous petitions, if any, shall also stand dismissed.

P. KESHAVA RAO, J

Date: 06.11.2018.
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