

HONOURABLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No. 4667 OF 2016

ORDER :

The petitioner has sought for a relief in the nature of writ of mandamus to declare the action of the respondent No.3 in calling the petitioner to the Police Station and pressuring him to settle the civil dispute at the instance of respondents 4 and 5 is arbitrary, illegal and in violation of Article 21 of the Constitution of India.

2. The petitioner filed an affidavit stating that the third respondent at the instance of respondents 4 and 5 calling him to the Police Station and pressurizing him to settle the matter and pay an amount of Rs.4,00,000/- to the fourth respondent. The fourth respondent is an agent and a dealer in real estate business in Guntur district. The respondent No.5 is the President of Madiga Reservation Porata Samithi [MRPS] Guntur town unit. The petitioner further states in his affidavit that he has started cotton business . On 02/02/2016 while he was at his proclainer machine near Kadiri of Ananthapuram district, the fifth respondent along his men came to his place and called him to the Police Station and insisted him to settle the dispute with the respondents 4 and 5.

3. The third respondent/police constables along with fifth respondent and his men came to his house and took his father to the Police Station and confined him till 02:00 p.m., and they pressurized them and obtained his signatures and also of his father on a blank paper and demanded him to pay Rs.4,00,000/- to the respondents 4 and 5 and settle the matter.

4. The learned counsel for the petitioner submits that the Police are interfering in civil matters, and therefore, sought a direction to them not to interfere in the civil disputes.

5. The learned Assistant Government Pleader for Home submits that she received instructions from the Sub-Inspector of Police Stating that fourth respondent has lodged a complaint with the respondent No.5, vide C.No.2610/A-10/Grievance/2015 against Veeragandham Sandeep stating that he supplied cotton and mirch for Rs. 32,00,000/- towards cotton and mirch supplied by him and threatened him with dire consequences and therefore, he filed the complaint before the Superintendent of Police, Guntur Urban and in that connection the Police Arundalpet called the petitioner to preliminary enquiry in respect of the complaint received by them and the petitioner without co-operating with the Police straightaway filed the present writ petition with false allegations against the respondents that Police are pressurizing the petitioner to settle the civil dispute.

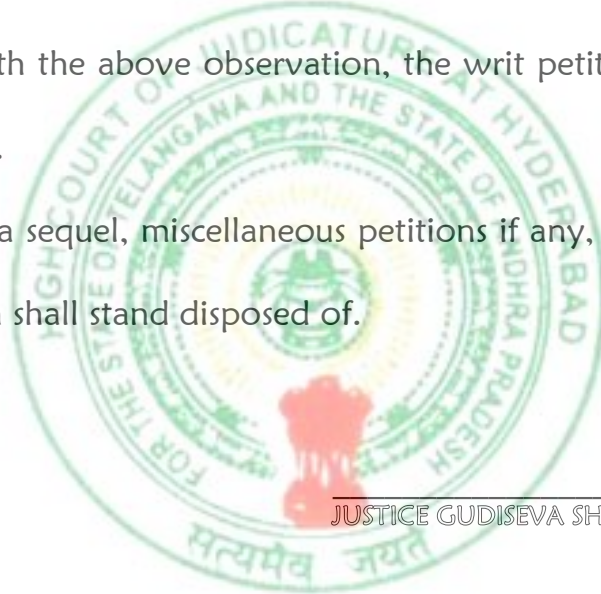
6. The learned Assistant Government Pleader submits that the Police is not pressurizing the petitioner to settle the civil dispute

and they have called them to the Police Station in view of the complaint received by them from the fourth respondent.

7. Having regard to the facts and circumstances of the case and in the light of the judgment rendered by the Hon'ble Apex Court in **LALITH KUMARI V/s. GOVERNMENT OF UTTAR PRADESH** ¹, and the judgment rendered by this Court in **DARAPANENI KRISHNA MURTHY V/s. THE SUPERINTENDNET OF POLICE, GUNTUR DISTRICT AND ORS** ², and the circular orders, the Police are directed to follow the guidelines in investigating the matters and not to interfere in civil disputes.

8. With the above observation, the writ petition is disposed of. No costs.

9. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand disposed of.



JUSTICE GUDISEVA SHYAM PRASAD

26/04/2018
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¹) (2013) 8 SC-1

²) 2008 [4] ALD-105

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