

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 31125 of 2018

ORDER:

This Writ Petition is filed challenging the action of respondent No.2 – Sub-Inspector of Police, Nirmal Police Station, Nirmal District, in calling the petitioner to the Police Station in connection with Crime No.241 of 2017 registered against her for the offences punishable under Sections 447, 427, 506 and 294(b) IPC read with Section 34 IPC.

Along with the Writ Petition, the petitioner filed a copy of notice, dated 17.07.2018 issued to her by respondent No.2 under Section 91 Cr.P.C. A perusal of the said notice discloses that by the said notice, respondent No.2 informed the petitioner to produce relevant documents pertaining to the disputed land within three days of receipt thereof for the purpose of investigation.

It may be noted that when respondents 3 and 4 interfered with her peaceful possession and enjoyment over the property admeasuring 266.66 sq.yards situated at Gajulpet, Nirmal Town and Nirmal District, she filed a suit against them and obtained injunction from the civil Court on 05.09.2017 and in spite of the

said injunction order, they again, interfered with her property, as such, she lodged a complaint before the Circle-Inspector of Police on 23.09.2017 against them and upon the endorsement made by the said Circle-Inspector of Police, on 24.09.2017, respondent No.2 registered the same as FIR.No.241 of 2017 against respondents 3 and 4 for the offences punishable under Sections 447, 427, 294(b) and 506 IPC read with Section 34 IPC. It may also be noted that obviously, the aforesaid notice was issued to the petitioner by respondent No.2 under a mistaken impression that she is the accused in the said crime or it is a deliberate attempt made by him so as to settle the dispute between the petitioner and respondents 3 and 4. In view of the same, it can be said that respondent No.2 issued the notice, dated 17.07.2018 under Section 91 Cr.P.C. without application of mind, as such, the same is hereby quashed.

The Writ Petition is accordingly allowed. It is clarified that quashing of the notice, dated 17.07.2018, issued under Section 91 Cr.P.C. to the petitioner shall not be construed as preventing the respondent police from proceeding with the further investigation into the complaint lodged by the petitioner, in accordance with law.

Miscellaneous Petitions, if any pending, shall stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

31st AUGUST, 2018.

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