

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.32385 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking verbatim the following relief:

“For the reasons stated in the accompanying affidavit, the petitioners herein prays that Honourable Court may be pleased to issue a Writ or order more particularly one in the nature of writ of Mandamus or any other appropriate writ declaring the action of the official respondents especially 3rd respondent in interfering in the civil disputes under the guise of a private complaint in CFR No.5806 of 2018 forwarded to him by the Hon'ble V Addl Junior Civil Judge, Guntur, said to have been filed by the 4th respondent herein and insisting the petitioners to withdraw the civil suit in O.S.No.413 of 2017 on the file of the XII Additional District Judge-cum-Family Court, Guntur, and to receive whatever amount intend to pay by the 4th respondent and in case of failure to agree for the same, threatening with dire-consequences of implicating the petitioner in false cases and to declare the same as illegal, arbitrary, unjust, discriminatory and consequently, direct the 3rd respondent not to interfere in civil disputes and personal liberty of the petitioners under the guise of the false private complaint filed by the 4th respondent, and to pass such other order or orders as it deems fit and proper in the circumstances of the case.”

2. I have heard the submissions of Sri *G.L.Nageswar Rao*, learned counsel appearing for the petitioners; and of the learned Government Pleader for Home (A.P.) appearing for the respondents 1 to 3. I have perused the material record.

3. Learned counsel for the petitioners submits that the 1st petitioner filed a civil suit for recovery of money against the 4th respondent and that the Police Officer concerned refused to entertain a report of the 4th respondent against the petitioners earlier stating that the matter is of civil nature and that the 4th

respondent later filed a private complaint in CFR no.5806 of 2018, on the file of the learned V Additional Junior Civil Judge, Guntur, and that on a reference under Section 156(3) of the Code of Criminal Procedure, 1973, by the learned Magistrate, the Police Officer concerned registered the case in Crime no.200 of 2018 against the petitioners, for the offences punishable under Sections 120-B, 384, 406, 417, 420 & 506 read with 34 of Indian Penal Code, 1860, and that under the guise of investigation into the said crime, the petitioners are being pressurised to withdraw the civil suit for recovery of money and that, therefore, the writ petition is filed.

4. Learned Government Pleader for Home, on written instructions, dated 10.09.2018, a copy of which is placed on record, would submit that the allegations that the Police threatened/pressurised the writ petitioners, as stated in the writ petition, is absolutely false; that a preliminary investigation into the crime by the officer concerned disclosed that it is a civil case; and, that, therefore, the Police Officer has taken a decision to refer the case and file a final report/referred charge sheet as per procedure.

5. Recording the submissions, and, as no further orders are necessary, the Writ Petition is disposed of as infructuous.

There shall be no order as to costs.

Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

JUSTICE M. SEETHARAMA MURTI

Date: 14th September, 2018
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101

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