

HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.34562 of 2018

ORDER:-

When the matter is taken up, the written instructions furnished by the Sub-Inspector of Police, Nagarampalem PS, Guntur Urban District, dated 05.11.2018, are placed on record by the learned Government Pleader. The said instructions read as under:-

“It is submitted that the petitioners herein raised certain allegations against the 3rd respondent herein that he has been harassing the petitioners to part with their property in favour of the unofficial respondent, by threatening to alter charges in Cr.No.195/2018 and will arrest them. Further, the 3rd respondent herein registered the said case with 50 days delay. The petitioners further alleged that the 3rd respondent herein has been calling the petitioners to the Police Station since the date of registering the crime and demanding for compromise the issue with the unofficial respondents.

It is submitted that all the allegations raised in the Writ Petition against the 3rd respondent are incorrect and are concocted for filing the present petition only. The 3rd respondent did not commit any of such acts as alleged by the writ petitioners herein.

It is pertinent to mention here that in connection with the FIR No.195/2018, during the course of investigation, on 14.08.2018, the 3rd respondent herein serviced notices u/s.41-A Cr.P.C., to the petitioners herein, who are the accused therein, and obtained proper acknowledgment. After conducting investigation, the 3rd respondent herein filed charge sheet on 29.09.2018 before the Court of the Hon'ble Special Mobile Court, Guntur. The same was taken on file and numbered as C.C.No.621 of 2018 and is pending consideration. Copy of the charge sheet is herewith enclosed. In such circumstances, the 3rd respondent has no need either to

call for the petitioners and made sit them in the Police Station or to demand them for coming to compromise with the unofficial respondents. Hence, the allegations are incorrect and baseless. Hence, the same are denied herewith.

It is submitted that the 3rd respondent did not commit any illegality or irregularity as alleged by the writ petitioners herein. The 3rd respondent herein conducted investigation and filed charge sheet against the accused therein for the offences under Sections 323 and 509 r/w 34 I.P.C. In such event, the respondent has no need to threaten the writ petitioners that he will alter Section of offence, as he has no power to alter Section of offence once he filed charge sheet. Hence, the allegation of the writ petitioners herein is false and incorrect and is denied herewith.

It is submitted that this respondent did not commit any activities as alleged by the writ petitioners herein. The respondent police have great respect on the Courts and its orders. This respondent will obey the orders if any passed by this Hon'ble Court in connection with the present Writ Petition."

On noticing the same, a request is made by the learned Counsel for the petitioners to place on record the said instructions and dispose of the Writ Petition.

Accordingly, the Writ Petition is disposed of, by placing on record the said instructions furnished by the Sub-Inspector of Police, Nagarampalem PS, Guntur Urban District, dated 05.11.2018.

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

A.V.Sesha Sai, J

Date:13.11.2018
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