

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No.4028 of 2016

ORDER :

This writ petition is filed by the petitioner seeking *Writ of Mandamus* declaring the action of respondent No.4 in interfering with the civil disputes between the petitioner and respondent Nos.5 and 6 and the action of respondent No.2 in not causing any enquiry on the representation dated 28.01.2016 submitted by the petitioner, as illegal and arbitrary, and consequently sought a direction to respondent No.4 not to interfere in the civil disputes between the petitioner and respondent Nos.5 and 6.

It is the case of the petitioner that he is the owner of the shops in Sy.No.400-1A of Kotnur Village fields of Hindupur Mandal, Anantapur District. Respondent Nos.5 and 6 herein have entered into an Agreement of Sale in respect of 7 shops situated in Melapuram, Kotnur Village limits, Hindupur, for a total consideration of Rs.51.00 Lakhs. On the date of execution of the Agreement of Sale, though respondent Nos.5 and 6 paid an amount of Rs.12,50,000/- and agreed to pay the balance sale consideration within three months from the date of the agreement, even after expiry of the said period, they defaulted to pay the said amount and hence as per the agreement, the advance amount paid by them stands forfeited. As there is no default on the part of the petitioner

and the entire default is on the part of respondent Nos.5 and 6 and, the petitioner refused to repay the advance amount paid by respondent Nos.5 and 6 as they have defaulted in payment of the balance amount and that he is entitled to forfeit the said amount. Thereafter, on the complaint lodged by respondent Nos.5 and 6, respondent No.4 called the petitioner to the Police Station on 25.01.2016, beat him mercilessly and obtained a note to the effect that the petitioner is liable to pay Rs.23.00 Lakhs to respondent Nos.5 and 6. It is the grievance of the petitioner that though he made a representation dated 28.01.2016 to respondent No.2, by marking a copy thereof to the Deputy Superintendent of Police, Penukonda, complaining about the action of respondent No.4, till date no enquiry is conducted by them and respondent No.4 is insisting him to pay the amount or else he would foist false cases against him. Hence the present writ petition.

Heard learned counsel for the petitioner as well as the learned Assistant Government Pleader for Home appearing for respondent – Police and perused the material on record.

Learned counsel for the petitioner submits that the respondent – police authorities are unnecessarily harassing the petitioner by interfering in the civil disputes between the petitioner and respondent Nos.5 and 6 and they also forcibly obtained signatures of the petitioner on some documents. It is

further submitted that though the petitioner made a representation to the higher authorities in that regard, no action has been initiated till date.

Learned Assistant Government Pleader for Home submits that respondent No.2 – Superintendent of Police, Anantapur District, has filed a counter affidavit denying the allegations made by the petitioner. It is stated that the representation dated 28.01.2016 sent by the petitioner was enquired into and a report was called for from the SDPO, Penukonda Sub-Division, vide letter C.No.206/Genl/G2/2016, dated 29.01.2016, who intturn, conducted a detailed enquiry and submitted a report stating that the allegations made by the petitioner are false and the petitioner with a dishonest intention not to appear before the Inspector of Police, Hindupur I Town P.S., levelled all false allegations and the police never interfered in the civil disputes as alleged by the petitioner.

On consideration of the facts and circumstances of the case and in the light of the averments made in the affidavit filed by the petitioner, it is obvious that there are civil disputes between the petitioner and respondent Nos.5 and 6 and in that connection, the petitioner might have been called to the police station by respondent No.4. Thereafter, the representation dated 28.01.2016 submitted by the petitioner was forwarded by respondent No.2 to the SDPO, Penukonda,

who inturn submitted a detailed report stating that the averments in the complaint of the petitioner are all false. The learned Assistant Government Pleader submits that on the complaint lodged by respondent Nos.5 and 6, a case in Crime No.14/2016 of Hindupur I Town Police Station, for the offences punishable under Sections 323, 341, 506 r/w. Section 34 IPC was registered against the petitioner and when the S.I. of Police, Hindupur I Town P.S. tried to serve notice under Section 41-A of Cr.P.C., the petitioner, in order to evade the said notice, has approached this Court.

The above sequence of events would clearly show that after the petitioner was called to the police station, a crime was registered against the petitioner by the police and thereafter the petitioner made a representation, basing on which an enquiry was ordered and a report was also submitted. However, the result of the enquiry report appears to have been not intimated to the petitioner.

Having regard to the facts and circumstances of the case, the police are directed not to interfere in the civil disputes between the petitioner and respondent Nos.5 and 6 and they are directed to follow the guidelines issued by this Court in DARAPANENI KRISHNA MURTHY Vs. SUPERINTENDENT OF POLICE AND OTHERS¹ and also the Circular Orders issued by the Director General of Police of the

¹ 2008 (4) ALD 105

State. The police concerned are also directed to supply a copy of the Enquiry Report to the petitioner within a period of two weeks from the date of receipt of a copy of this order.

With the above observations, this writ petition is disposed of. No order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

GUDISEVA SHYAM PRASAD, J

26.04.2018.
Msr



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