

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.37429 2018

ORDER :

Heard learned counsel for the petitioner and the learned Government Pleaders for Home and Revenue, apart from perusing the entire material on record.

The alleged inaction, on the part of the Tahsildar-cum-Executive Magistrate, Chippagiri Mandal, Kurnool District-fourth respondent herein, in considering the representation, dated 13.08.2018, said to have been submitted by the petitioner herein requesting to initiate proceedings under the provisions of Section 145 Cr.P.C., is under challenge in the present Writ Petition.

A copy of the said representation, said to have been submitted by the petitioner herein to the Tahsildar-cum-Executive Magistrate, Chippagiri Mandal, Kurnool District-fourth respondent herein, is also filed along with the Writ Petition. A reading of the said representation, in clear and vivid terms, discloses that there is dispute with regard to the land with the third parties.

During the course of arguments, it is submitted by the learned Government Pleader that, though the police registered a crime, there is no reference to the concerned police officer to initiate proceedings under Section 145 Cr.P.C., and that, in the absence of any such reference to the police officer, the request of the petitioner cannot be considered.

This Court finds sufficient force in the submission of the learned Government Pleader. According to Section 145 Cr.P.C., there must be satisfaction to the Executive Magistrate on the report of the police officer. In the instant case, the same is absent. In the considered opinion of this Court, the entire effort of the petitioner is

to have a civil dispute settled by invoking the provisions of Section 145 Cr.P.C. Therefore, this Court does not find any valid reason to entertain the present Writ Petition.

Accordingly, Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous Petitions pending consideration, if any, in this Writ Petition shall stand closed.

26th October, 2018.
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A.V.SESHA SAI,J

