

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

WRIT PETITION No.38151 of 2018

ORDER:

Heard learned counsel for the petitioners and the learned Government Pleader for Home, apart from perusing the entire material available on record.

When the matter is taken up, written instructions, dated 29.10.2018, furnished by the Sub Inspector of Police & Station House Officer, Bhimadole Police Station, are placed on record by the learned Government Pleader. The said instructions, to the extent of their relevance to the present Writ Petition, are as under:

"It is submitted that as averred by the petitioners there is a civil dispute between the petitioners and the unofficial respondents herein, which is the subject matter O.S.Nos.369/16, 347/17 & EP No.41/2018, filed by the 4th respondent herein. In the above matter, basing on the complaint of the 5th respondent, a case in Cr.No.207/18, dt. 21.09.2018, u/s. 447, 427 r/w. 34 1PC IPC was registered on the file of the 2nd respondent against the petitioners 1 and 2 and investigation was taken up, which is in progress.

It is submitted that it is fact that basing on the complaint of the 3rd petitioner herein earlier, a case in Cr.No.150/2016, dt.18.11.2016, u/s 420 IPC & Section 3 (1) (s) of SCs & STs (POA) Act, 1989, was registered on the file of the 2nd respondent police station, against the 4th respondent herein & 2 others, wherein investigation was taken up by the Sub-Divisional Police Officer, Eluru, as per the orders of the Superintendent of Police, W.G.District. In the said case, the 4th respondent (A1) and another accused have filed W.P.No.46677/2016 to quash the FIR No.150/2016, dt.18.11.2016, wherein this Hon'ble Court by orders dt.02.01.2017, in WP.No.46677/16, granted stay of all further proceedings including the arrest of the petitioners therein in Cr.No.150/2016. The said interim orders of this Hon'ble Court are still in force.

It is submitted that all the allegations of the petitioners that the second respondent has been interfering with the civil disputes pertaining to the petitioners' land in question and threatening to dispossess the petitioners from their land, are totally false and baseless. The allegations of the petitioners in para.8 of the affidavit that the second respondent at the behest of respondents 4 and 5 on 08.10.2018 at about 6.30 p.m. visited the house of the petitioners and called them to the police station, Bhimadolu and made the petitioners sit in the P.S. upto late hours and obtained signatures of petitioners in blank papers and forced them and their family members to withdraw the case against the respondent No.4 in FIR.No.150/16, otherwise to book cases against the petitioners' family members under PD Act, are absolutely false and concocted only for the sake of filing this Writ Petition and the same are hereby denied.

It is submitted that the petitioners have suppressed the material fact of registration of Cr.No.207/'18, dt21.09.2018, u/s 447, 427 r/w 34 IPC against the petitioners 1 and 2 herein, basing on the complaint of the 5tgh respondent herein, wherein the second respondent has been conducting investigation strictly in accordance with law and as per the provisions of Cr.P.C. Therefore, all the allegations of the petitioners against the second respondent are only concocted for the sake of filing of this writ petition, to put pressure on the police in order to avoid criminal liability in Cr.No. 207/18. As stated above, the 2nd respondent has never interfered in the civil disputes of the petitioners nor threatened to dispossess them at any point of time. All other allegations of the petitioners against the respondent police authorities are incorrect, untenable and hereby denied”.

By placing on record the above written instructions Writ Petition is disposed of. There shall be no order as to costs.

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

A.V. SESA SAI, J

14th November, 2018
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