

HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.38121 OF 2018

ORDER:-

When the matter is taken up, the written instructions furnished by the Sub-Inspector of Police, Sabbavaram Police Station, Visakhapatnam District, dated 26.10.2018, are placed on record by the learned Government Pleader. The said instructions read as under:-

“It is pertinent to mention here that on 21.08.2018, the 4th respondent herein submitted a written report to the 3rd respondent herein for taking against the writ petitioners herein by stating that they have been obstructing her in entering into her land and also threatening her. After verifying the said complaint and enquiring into the matter, as the issue is involved with civil nature and both the parties have been causing nuisance to the public in their vicinity, the 3rd respondent herein himself registered a case in Cr.No.92/2018 against both the parties for the offence under Section 107 Cr.P.C. with a view to restrain the parties from causing hardship to the public.

Further, he forwarded the same to the Mandal Executive Magistrate, Sabbavaram, for binding over the both parties for keeping the vicinity peacefully. The same was taken on file and numbered as M.C.No.35 of 2018, and issued summons to both the parties for their presence.

It is submitted that the writ petitioners herein alleged that at the instance of the 4th respondent, the 3rd respondent called the writ petitioners to the Police Station and also refused to hear them when they tried to explain the factual situations. They

further alleged that the 3rd respondent herein threatened them by filing a criminal case against them and also encouraging the 4th respondent herein to enter into the disputed land, though there is pending civil suits. They further alleged that though they issued a legal notice, dated 23.08.2018, without considering the same, the 3rd respondent has been calling the writ petitioners and compelling them to compromise the matter with the 4th respondent herein. All these allegations are incorrect and concocted for filing of the present Writ Petition. The 3rd respondent herein registered the crime on 22.08.2018 and forwarded the same to the Mandal Executive Magistrate for initiating necessary action, on the same day. In such circumstances, after registering the crime under Section 107 Cr.P.C. and forwarding to the Mandal Executive Magistrate, the 3rd respondent herein has no necessity to call for the writ petitioners herein and compelling them for compromise with the 4th respondent herein. Hence, these allegations are denied.

The writ petitioners herein further alleged that the 3rd respondent herein has been interfering in the civil disputes and compelling them for compromise with the 4th respondent is incorrect. If the said allegations are to be correct, the 3rd respondent herein did not register the crime under Section 107 Cr.P.C., and forwarded the same to the Mandal Executive Magistrate, for safeguarding the public tranquility.

It is submitted that without appearing before the learned Mandal Executive Magistrate, the writ petitioners herein filed the present Writ Petition, by raising certain false allegations, which are incorrect and concocted. The respondent Police did not call for any of the person. Moreover, the matter was

forwarded to the Mandal Executive Magistrate , the 3rd respondent herein has no need either to interfere with their disputes or compelling to compromise the matter. Hence, all the allegations raised by the writ petitioner herein are denied. Copies of the complaint, F.I.R., Intimation and Summons are herewith enclosed for kind perusal.”

Accordingly, the Writ Petition is disposed of, by placing on record the said instructions furnished by the Sub-Inspector of Police, Sabbavaram Police Station, Visakhapatnam District, dated 26.10.2018.

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

Date:03.12.2018
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A.V.Sesha Sai, J

