

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

W R I T P E T I T I O N N O. 42085 OF 2018

ORDER:

When the matter is taken up, learned Government Pleader has placed before this Court, the written instructions furnished by the Inspector of Police, Kurnool Taluka UPS, Kurnool district. The said instructions read as under:

“It is submitted that the writ petitioner herein filed the present writ petition by raising certain allegations against the respondents 4 and 5, who are one and the same, that the basing on the illegal act of the 6th respondent herein and her follower, the writ petitioner herein submitted a complaint to the 4th respondent herein, which was registered as Crime No.174/2018. The writ petitioner herein further alleged that the 4th respondent herein registered two crimes vide 271/2018 and 282/2018 against the writ petitioner herein and his family members, by colluding with the 6th respondent herein who have high influence through Sub-Divisional Police Officer.

It is submitted that all the allegations are incorrect and baseless. Basing on the written report submitted by the writ petitioner herein, against the 6th respondent herein and others, the Assistant Sub-Inspector of Police (ASI 2300) Sri M.Thirupal Naik herein registered a case in Cr.No.174/2018 for the offence U/s. 420, 470, 447, 427, 506 and 509 r/w 34 IPC and investigation took by

the 4th respondent. The investigation of the crime is in progress. As the case was registered for the offence of creating forged documents during the course, the 4th respondent herein sent requisition to the Register, Kurnool town, for issuance of documentary evidence in connection with the subject land.

It is pertinent to mention here that the writ petitioner herein alleged that the said crime has to be registered under the provisions of SCs and STs (POA) Act. The Assistant Sub-Inspector of Police (ASI 2300) Sri M.Thirupal Naik herein registered the case basing on the complaint submitted by the writ petitioner herein only. In his complaint nowhere he mentioned about he said issue. Hence, the case was not registered under the said provisions. In the further course of investigation, if the prima facie case was established against the accused persons, the said provisions will be added to the said crime.

It is submitted that the two crimes i.e., Cr.No.271/2018 U/s 427, 447 and 506 r/w 34 IPC and Cr.No.282/2018 U/s 447 and 506 r/w 34 IPC were registered against the writ petitioner herein and his family members, basing on the written report submitted by the 6th respondent herein, during the course of investigation, the investigation officer called the writ petitioner herein and advised him to produce the documents if any in connection with the said land, in their favour.

It is submitted that both these crimes were registered on 23.10.2018 and 28.10.2018 respectively. Thereafter, on 5.11.2018, he obtained interim injunction orders against the 6th respondent herein in connection with the said disputed land. The writ petitioner herein alleged that though the writ petitioner herein has orders in his favour, the 4th respondent herein has been interfering with their civil disputes is incorrect. The 4th respondent herein called the writ petitioner herein and enquired him only prior to obtaining the said interim injunction only. Hence, all the allegations levelled against the respondents 4 and 5 herein are incorrect and baseless. Presently, all the three cases have been under investigation. The 4th respondent herein has to collect material evidence from the governmental authorities.

It is submitted that the 4th respondent herein, who was shown in personal capacity as 5th respondent herein did not commit any illegality or irregularity as alleged by the writ petitioner 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."

2. Having regard to the contents of the above instructions, this Court deems it appropriate to dispose of the Writ Petition with a direction to the respondent police authorities not to

interfere with the civil disputes unless the same is permissible in accordance with law.

3. The Writ Petition is disposed of accordingly.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

A.V.SESHA SAI,J

Date: 13.12.2018

KPM

