

HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.42262 of 2018

ORDER:-

When the matter is taken up, the written instructions furnished by the Sub-Inspector of Police, Bibinagar Police Station, Rachakonda Commissionerate, dated 22.11.2018, are placed on record by the learned Government Pleader. The said instructions read as under:-

“One A.Rajeshwar Rao/6th respondent herein has approached the Police of Bibinagar Police Station and lodged a complaint on 30.10.2018 requesting to initiate action against 1)A.Krishna Rao, 2) A.Venkateshwar Rao, 3) A.Babu Rao, 4)A.Chandrasekhara Rao, 6) A.Rajesh and 6)A.Vinod and other persons as they illegally tried to trespass into his land in Sy.No.611 and 612 admeasuring Ac.14.22 gts., and also they tried to assault the complainant and his and threatened him and his staff.

Basing on the contents of the above complaint, a case in Cr.No.217/2018 under Sections 447, 427, 506 r/w 34 I.P.C., dated 30.10.2018, was registered on the file of Bibinagar Police Station, Rachakonda Commissionerate, and taken up the investigation into the case.

The petitioners herein are shown as accused in the F.I.R.

During the course of investigation, this respondent being the Investigating Officer examined the complainant/6th respondent and 2 other witnesses and recorded their detailed statements.

As part of investigation into the case, notice under Section 41(A)(1) Cr.P.C., dated 31.10.2018 was issued to all the petitioners/accused in the F.I.R., calling their explanation.

It is submitted that that the investigation is under progress. Necessary steps will be taken against the petitioners/accused depending on the file outcome of the investigation into the case.

It is submitted that no complaint whatsoever was received in this respondent Police Station from the petitioner herein to take action against the unofficial respondents herein.

It is pertinent to submit that to escape from their criminal overt acts in the commission of offence and mainly to divert the attention of the

investigation of the investigating agency in not conducting the investigation into the case in a proper and fair manner, the petitioners filed the present Writ Petition with false and frivolous allegations.

It is respectfully submitted that the allegation of the petitioner that when they tried to lodge complaint against the unofficial respondents herein on 31.10.2018, the respondent refused to receive the same and issued notice under Section 41(1)(A) Cr.P.C., to them is absolutely false and hence denied.

It is humbly submitted that except registration of the above crime and proceeding with the investigation of the case as contemplated under law, this respondent never interfered with the civil disputes as alleged.

It is submitted that mere registration of criminal and proceeding with the investigation into the case as contemplated under law, it does not mean, this respondent Police are interfering with the civil disputes and interfering with the subject lands.

Copy of the F.I.R. and notice u/s.41(A)(1) Cr.P.C., are annexed to this written instructions for the kind perusal of this Hon'ble Court."

Accordingly, the Writ Petition is disposed of, by placing on record the said instructions furnished by the Sub-Inspector of Police, Bibinagar Police Station, Rachakonda Commissionerate, dated 22.11.2018, with a further direction to the respondent-Police authorities not to interfere with the civil disputes unless the same is permissible in accordance with law.

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

A.V.Sesha Sai, J

Date: 14.12.2018
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