

HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.42317 of 2018

ORDER:-

When the matter is taken up, the written instructions furnished by the Station House Officer, Bhimavaram Rural P.S., West Godavari District, dated 28.11.2018, are placed on record by the learned Government Pleader. 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 3rd respondent herein that he has been calling the writ petitioner and his wife to the Police and threatening for amicable settlement in civil disputes. Further alleged that though the 3rd respondent herein registered a case in Cr.No.134/2018, dated 22.07.2018, for the offence under Section 324 and 323 r/w 34 I.P.C., he did not initiate any further course of action. He further alleged that on 18.11.2017 and 19.11.2017, when the 3rd respondent called the writ petitioner by cell phone and on his rejection, he sent Police constables to take the writ petitioner and his wife, to the Police Station, for settlement. All the allegations are incorrect and baseless. Moreover, all the allegations are concocted for filing of the present Writ Petition.

It is submitted that basing on the statement dated 22.07.2018 of the writ petitioner herein, recorded at Government Area Hospital, Bhimavaram, the 3rd respondent herein registered a case in Cr.No.134/2018 against seven persons. The contention of the said statement is that the 5th respondent herein, who is his father and some others beat him and as well as his wife and caused injuries. After registering the crime, the 3rd respondent herein conducted investigation. After completion of investigation, basing on the strength of L.Ws. 5 to 7, who are the eye witnesses of the said alleged offence, the 3rd respondent herein sent requisition on 07.10.2018 to the Sub-Divisional Police Officer, Narasapuram, for according permission to refer the case as False. The same is pending consideration. Copies of the statements of L.Ws.5 to 7 and requisition for referring the crime are herewith enclosed for kind perusal.

It is further submitted that in connection with the said issue, a counter was registered vide Cr.No.,135/2018 on 22.07.2018 against the writ petitioner herein and his wife, for the offences under Sections 324 and 323 r/w 34 I.P.C. During the course of investigation, the 3rd respondent herein arrested the accused persons and remanded them to judicial custody. After completion of investigation, he filed charge sheet on 21.09.2018 against

the said accused for the offences under Sections 326, 324 and 323 r/w 34 I.P.C., before the Hon'ble Judicial Magistrate of First Class, Bhimavaram and the same was taken on file and numbered as C.C.No.944/2018 and the same is pending adjudication.

It is submitted that as the writ petitioner herein did not succeed in his trials against his father either in civil and criminal remedies, he filed the present Writ Petition, by raising certain allegations against the respondent Police including his father. Apart from that, there are no illegal incidents were taken place as alleged by the writ petitioner herein. Immediately after obtaining the referral orders, in connection with Cr.No.134/2018, I will serve notice to the writ petitioner herein. More over, I have great respect on the courts and its orders. I will obey the orders if any passed by this Hon'ble Court in connection with the present Writ Petition."

Accordingly, the Writ Petition is disposed of, by placing on record the said instructions furnished by the Station House Officer, Bhimavaram Rural P.S., West Godavari District, dated 28.11.2018, 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:10.12.2018
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