

HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.42707 of 2018

ORDER:-

When the matter is taken up, the written instructions furnished by the Sub-Inspector of Police, Pahadishariff Police Station, dated 24.11.2018, are placed on record by the learned Government Pleader. The said instructions read as under:-

“On a complaint of Sri Md.Iqbal, son of Md.Shafi, resident of Pahadishariff lodged with the police of Pahadishariff Police Station, a case in Cr.No.330/2018, under Sections 147, 148, 504, 427 r/w 149 I.P.C., dated 11.10.2018, was registered against the petitioner herein and others as they tried to occupy his land in Sy.No.99/1 admeasuring 4800 Sq.Yds., situated at Pahadishariff village, Balapur Mandal, for which followed him along with his associates and threatened to kill him and damaged the vehicle Royal Yamaha bike bearing No.TS12EE7484 and taken up the investigation into the case.

The petitioner herein is shown as A.1 in the FIR. During the course of investigation, this respondent being the Investigating Officer examined the complainant and recorded his detailed statement. The investigation is at the initial stage. Necessary steps will be taken against the petitioner (A.1) and responsible persons who caused damage to the vehicle of the complainant etc., by following the due procedure.

It is pertinent to submit that on coming to know the lodging of the complaint against him, the petitioner with a malafide intention to divert the attention of the investigating agency in not conducting the investigation into the case in a fair and proper manner, rushed to this Hon'ble Court and filed the present Writ Petition with false and frivolous allegations.

It is also pertinent to submit that the petitioner (A1) is requires for the purpose of investigation into the case. Except registration of the above case and

proceeding with the investigation into the same as contemplated under law, this respondent never interfered with the subject property of the petitioner herein.

It is humbly submitted that if the petitioner makes the complainant Sri Md.Iqbal as party respondent to this Writ Petition, the real facts would have come to light. For non-joinder of necessary party to this Writ Petition, the Writ Petition is liable to be dismissed.

I humbly submit that this respondent is not the competent authority to induct or dispossess the petitioner from the subject property herein. Mere registration of case and proceeding with the same as prescribed by law, it does not mean, this respondent is interfering in civil disputes. A copy of the FIR is 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, Pahadisharif Police Station, dated 24.11.2018, with a further direction to the respondent-Police authorities to act strictly 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: 27.11.2018
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