

HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.43076 of 2018

ORDER:-

When the matter is taken up, the written instructions furnished by the Station House Officer, Dundigal Police Station, Cyberabad Commissionerate, dated 28.11.2018, are placed on record by the learned Government Pleader. The said instructions read as under:-

“It is submitted that on 12.10.2018 one LVLS Bramham, R/o.D.Pochampally has given a report with P.S. Dundigal stating that Sri Satya Sai Nagar Colony Welfare Association Members and Plot Owners of the said Association is having registered sale deeds, LRS and Gram Panchayat permissions, due to which some plot owners and society members went to visit their plots on 30.09.2018, meantime, Narsimha (Gram Panchayat Attender), Jeethayya and Mallesh trespassed and obstructed them and abused in filthy language. The said incident was recorded in video. The said three persons are not having any legal right to obstruct. Hence, requested to take legal action.

It is submitted that based on the above report, a GD entry was made in the station records. Thereafter, a requisition, dated 15.10.2018, was filed before the Court of Hon'ble VI Metropolitan Magistrate at Medchal, Cyberabad to accord permission to investigate a non-cognizable offence under Section 506 and 504 I.P.C., and the Hon'ble Court granted permission on 16.10.2018. After receipt of permission, F.I.R.no.554/2018 under Sections 504 and 506 I.P.C., dated 23.10.2018, was registered and took up for investigation. The 1st petitioner G.Jeethaiah is accused No.2 and the 2nd petitioner G.Narasimha is accused No.1 in the crime.

It is submitted that during the course of investigation, the Police examined and recorded the statement of L.W.1. Later proceeded to the scene of offence, secured mediators and conducted scene of offence Panchanama besides drafting rough sketch. Then, secured the presence of witnesses, examined them and recorded their statements. It is submitted that on 31.10.2018 a letter was addressed to the Municipal Corporation, Gandimaisamma-Dundigal Mandal of Medchal District, to conduct survey and furnish ownership particulars of land vide Sy.Nos.156, 158, 159, 160 and 161 in Plot Nos.173, 183, 175 and 184, admeasuring 200, 200 & 400 Sq.Yds., at Sri Sty

Sai Nagar Colony, Dommara Pochampally village and fix the boundaries to claim the land and also further requested to furnish the ownership particulars.

It is submitted that during the course of investigation, Section 41 Cr.P.C. notices were issued to both the petitioners on 16.11.2018 and to A.3/Ganjai Mallesh on 22.11.2018 requiring them to offer their version as to the allegations made against them and to produce their documentary evidence.

It is submitted that the petitioners herein having acknowledged receipt of Section 41 Cr.P.C. notice instead of cooperating the Police for completing the investigation and filing appropriate report, filed the present Writ Petition making false and baseless allegations.

The allegations that the Police are calling the petitioners to the Police Station and threatening them to deliver vacant possession of one plot in Sy.No.156/6 situated at Dommara Pochampalli village, Dundigal Mandal, Medchal-Malkajgiri District, in favour of the 7th respondent and compelling them to sign certain blank papers in favour of the 7th respondent are false, baseless and hereby denied. It is submitted that the Police have not threatened them to deliver one plot and they have also not signed any blank papers. The bundle of allegations made in the affidavit is false and frivolous. There is no iota of truth in the said allegations. The said allegations have been made only for the purpose of the Writ Petition with an intention to prevent the Police from proceeding with further investigation in the crime.

It is submitted that the Writ Petition is devoid of any merits and it is liable to be dismissed."

Accordingly, the Writ Petition is disposed of, by placing on record the said instructions furnished by the Station House Officer, Dundigal Police Station, Cyberabad Commissionerate, 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:20.12.2018
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