

HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.43233 of 2018

ORDER:-

When the matter is taken up, the written instructions furnished by the Inspector of Police, Gandhari Police Station, Kamareddy 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 petitioner contended that the respondent No.6 Station House Officer, Gandhari Police Station, Kamareddy District not allowed the petitioner to shift the alleged soya and kandhi from agricultural lands bearing Sy.No.198/AA/1, admeasuring Ac.4.18 gts., Sy.No.194, admeasuring Ac.2.8 gts., Sy.No.194/4, admeasuring Ac.0.15 gts., Sy.No.194/5, admeasuring Ac.1.15 gts., total Ac.8.16 guntas, situated at Gandhari village, Shivar of Kamareddy District, is incurred, baseless, far from truth and has been created for the purpose of filing the present Writ Petition.

The facts of the case are that one Smt.Solanki Laxmibabi had lodged a complaint on 15.06.2018 with the respondent No.3 Station House Officer, V Police Station, Kamareddy District, against the petitioner herein with regard to the land under Sy.No.194/A, admeasuring Ac.4.00 gts., situated at Gandhari village, Shivar of Kamareddy District. Basing on the said complaint, a case was registered as Cr.No.58/2018 for the offences under Sections 447, 427 and 506 I.P.C. The Investigating Officer issued notice U/s.41-A Cr.P.C., to the accused petitioner. The case is pending trial vide C.C.No.170/2018 before the Hon'ble Judicial Magistrate of First Class, Yellareddy.

It is submitted that on the complaint of the 4<sup>th</sup> respondent Bejugam Gangadhar, the Gandhari police had registered a case as Cr.No.60/2018 dated

17.06.2018 for the offences under Sections 447 and 427 I.P.C. against the petitioner herein with regard to the lands bearing Sy.No.198/AA/1, admeasuring Ac.4.18 gts., Sy.No.194, admeasuring Ac.2.8 gts., Sy.No.194/4, admeasuring Ac.0.15 gts., Sy.No.194/5, admeasuring Ac.1.15 gts., total Ac.8.16 gts., situated at Gandhari village, Shivar of Kamareddy District. The Investigating Officer issued notice u/s.41-A Cr.P.C., to the accused petitioner. The case is pending trial vide C.C.No.168/2018 before the Hon'ble Judicial Magistrate of First Class, Yellareddy.

It is submitted that one Solanki Bapurao lodged a complaint on 17.11.2018 with the respondent No.3 Station House Officer, Gandhari Police Station, Kamareddy District, against the petitioner herein with regard to trespass into the land which was taken on lease by the complainant from one Bejugam Gangadhar. The petitioner trespassed into the said land and taken away the Soya about 40 Qtls., worth Rs.1.20 lakhs and the petitioner damaged red gram crop. Basing on the said complaint, a case was registered as Cr.No.135/2018 dated 17.11.2018 for the offences under Sections 447, 427 and 379 I.P.C. The Investigating Officer issued a requisition to the Tahsildar, Gandhari Mandal, on 27.11.2018, requesting to furnish the particulars of the said land for the purpose of investigation and the report is awaited. The investigation is under progress.

It is submitted that the petitioner herein involved in the above three criminal cases with regard to the above said lands. The Investigating Officer visited the scene of offence, but it does not meant interference of the police.

The petitioner alleged that he approached the respondent No.3 Station House Officer, Gandhari Police Station, Kamareddy District, along with complaint on 15.11.2018 and 16.11.2018 and t3rd respondent threatened the petitioner not to enter into the said land or else the petitioner will be implicated in false cases is incorrect and baseless. It is submitted that as per the station records, the petitioner did not approach the 3<sup>rd</sup>

respondent on 15<sup>th</sup> or 16<sup>th</sup> November, 2018 along with the alleged complaint.

It is submitted that as stated above, 3<sup>rd</sup> respondent did not interfere with the civil dispute as alleged by the petitioner herein.”

Accordingly, the Writ Petition is disposed of, by placing on record the said instructions furnished by the Inspector of Police, Gandhari Police Station, Kamareddy District, dt.28.11.2018, with a further direction to the respondent-police authorities not to interfere with the civil disputes unless the same is permissible strictly in accordance with law.

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

Date: 29.11.2018  
smr

A.V.Sesha Sai, J

