

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.2592 OF 2019

Date: 27.02.2019

Between:

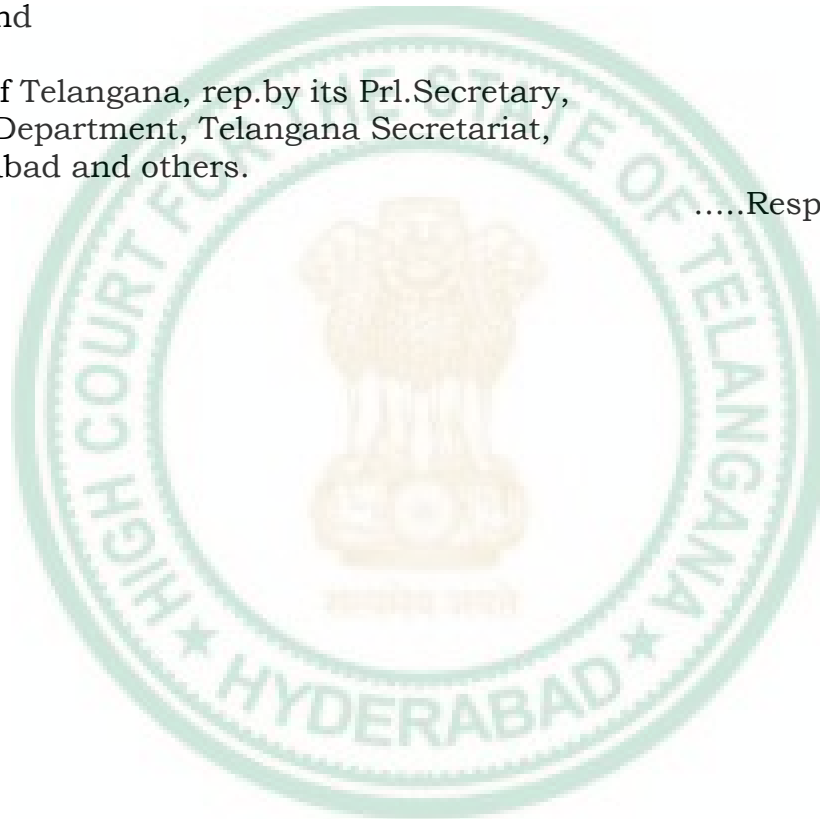
M/s.Sulakshanaa Developers Pvt.Ltd.,
Rep.by General Power of Attorney Holder,
Prakash Chandra Srivastava,
s/o. late Brijrai Srivastava, Aged 63 yrs.,
R/o. H.No.1-2-215/B/1, Sri Durga Nivas,
Street No.7, Lane No.4, Gagan Mahal,
Domalaguda, Hyderabad and another.

.....Petitioners

and

State of Telangana, rep.by its Prl.Secretary,
Home Department, Telangana Secretariat,
Hyderabad and others.

.....Respondents



The Court made the following:

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ORDER:

Petitioners challenge the Notice issued under Section 91(1) Cr.P.C., dated 09.01.2019.

2. A reading of the said notice would show that person, by name, P.Chiranjeevi lodged complaint with the Police on 03.01.2019 alleging that 2nd petitioner herein and K.Venkata Ramana illegally trespassed into their plots, damaged the roads, plots and started leveling of the land and threatened with dire consequences. Based on the said complaint, Crime No.08/2019 was registered under Sections 188, 120(b), 427, 447, 420 and 506 IPC. Consequent to the registration of crime impugned, notice under Section 91 (1) of Cr.P.C. was issued. It is also stated that Principal Senior Civil Judge, Ranga Reddy District passed perpetual injunction order on 22.02.2016.

3. At this stage, this Writ Petition is filed. Petitioners allege that it was a false complaint made by the rivals only to disturb the possession and create illegal hurdles in the process of enjoying of the property and there is no proof of the complaint lodged. Based on the said complaint, Police could not have registered the crime and investigated into the crime and could not have interfered in civil disputes. While challenging the notice dated 09.01.2019, incidently petitioners also claim that Police are interfering with the peaceful possession and enjoyment of petitioners' land admeasuring Ac.14.30 guntas in Sy.Nos.187 and 188 of Vattinagulaplally village, Rajendranagar Mandal, Ranga Reddy district.

4. From the reading of the averments in the affidavit as well as complaint lodged against the petitioner would show that there is a rival claim on the issue of possession and enjoyment. However, this Court is not expressing any opinion on the said claim.

5. It is not in dispute that once crime is registered, Police have power to issue summons to produce the documents under Section 91(1) of Cr.P.C., and therefore, it cannot be said that notice issued is without jurisdiction and competence. Thus, this Court is not inclined to entertain the Writ Petition at this stage.

6. If petitioners have any other grievance with reference to the involvement of Police in civil disputes or on the claim of possession, it is always open to them to work out their remedy as available in law.

7. At this stage, learned counsel for petitioners submits that petitioners are willing to appear before the Police and submit all documents required to establish their case. It is open to petitioners to respond to the notice dated 09.01.2019 by appearing before the Station House Officer. As and when petitioners appear and submit documents, the same shall be considered objectively by the Station House Officer.

8. Subject to the above observations, Writ Petition is dismissed. Pending miscellaneous petitions shall stand dismissed.

JUSTICE P.NAVEEN RAO

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