

HON'BLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.21348 of 2014

ORDER:

There is no representation on behalf of the petitioner, in spite of the matter being listed under the caption 'for dismissal'. Mr. P. Govind Reddy, learned standing counsel, appearing for the Government of Andhra Pradesh is present.

2. The prayer sought in the writ petition is as under:

"... this Hon'ble Court may be pleased to issue an appropriate writ, direction or order, more particularly one in the nature of Writ of Mandamus, directing the respondent No.3 to forthwith finalize its investigation pursuant to the Memo No.G2/23/RTI Act/2005/2011, dated 30-7-2011 of the Respondent No.4 and lay Charge Sheet, in respect of the incident of the 6<sup>th</sup> respondent acting as imposter, assault on the petitioner and the members of his family, theft of their Gold, Money, and other valuables and extraction of a cheque for cheque for Rs.6,00,000/- (Rupees Six Lakhs only) from the petitioner and forcing him to execute marriage cancellation statement / receipt to pay Rs.1,00,000/- in cash within 40 days, on 24/25-04-2011 (intervening night) and pass such other order or orders as this Hon'ble Court deems fit and proper in the facts and circumstances of the case."

3. The learned Government Pleader appearing for respondents 1 to 5 placed on record the written instructions dated 12.12.2019 issued by the Sub-Inspector of Police, Bodhan Police Station, Nizimabad District.

4. From a perusal of the said written instructions, it is revealed that there is civil dispute between the petitioner and the respondent No.6 for which the respondent – police is no way concerned. It is also specifically mentioned that the respondent No.5 never harassed, threatened and interfered with the civil disputes between the petitioner and the respondent No.6 at any point of time. In fact, the petitioner did not approach the respondent No.5. Upon a petition

lodged by the petitioner under the Right to Information Act, the Inspector of Police, Bodhan caused enquiry and later submitted report to the Sub-Divisional Police Officer, Bodhan on 11.08.2011 stating that the allegations made by the petitioner are false and baseless and as such, no case was registered and no persons were arrested. CC.No.407 of 2011 and CC.No.408 of 2011 are the private complaints filed for the offence under Section 138 of the Negotiable Instruments Act for which the respondent-police have nothing to do. Therefore, the writ petition is not maintainable.

5. In that view of the matter, this Court is of the opinion that there are no merits in the writ petition since the petitioner is trying to settle his scores against the respondent No.6 by way of filing the present writ petition. When there are disputed questions of fact and a civil litigation pending between the petitioner and the respondent No.6, the same cannot be adjudicated in a writ petition filed under Article 226 of the Constitution of India.

Accordingly, the writ petition is dismissed. As a sequel thereto, pending miscellaneous petitions, if any, shall stand dismissed. There shall be no order as to costs.

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P. KESHAVA RAO, J

December 16, 2019  
DSK