

HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.4429 of 2019

ORDER:

This writ petition is filed alleging that the police are unnecessarily interfering with the civil disputes, harassing and humiliating the petitioners affecting their right to life and liberty without sanction of law.

2. According to the petitioners, the police are interfering with the civil disputes concerning the property bearing H.No.1-10-27/35/24 admeasuring 2150 sq. yards and H.No.1-10-27/35/23 admeasuring 2550 sq. yards in Sy.No.194/81 situated in Begumpet, Secunderabad Municipality. The petitioners assert that no crime was registered against them and therefore, the action of the police in interfering with the civil disputes and asking the petitioners to appear before the police is illegal.

3. This Court, by order dated 13.03.2019, directed the police not to call the petitioners to the police station unless required in the process of investigation and should not interfere in respect of the above mentioned properties.

4. The third respondent filed a counter affidavit. From a reading of the averments of the counter affidavit, it appears that based on a complaint filed by the petitioner on 08.03.2019, Cr.No.104 of 2019 was registered under Sections 447, 427 and 506 of the Indian Penal Code against several persons mentioned in paragraph No.5 of the counter affidavit and the Station House Officer is investigating into the said crime. It is further asserted that Cr.No.73 of 2019 is registered

under Sections 447, 427 and 506 IPC against respondent No.4 in the writ petition on a complaint filed by a person by name Srinivas. Further, on 27.02.2019, on a complaint given by a person by name Rajesh Jain, Cr.No.92 of 2019 was registered under Sections 120(B), 384 read with Sections 511 and 341 IPC against respondent Nos.5 and 6.

5. According to the learned counsel for the petitioners, at the behest of respondent No.6, Cr.No.120 of 2019 is registered against the petitioners.

6. It appears that the petitioners made a complaint on 25.02.2019 alleging that the unofficial respondents criminally trespassed into the land while the cleaning work was in progress. Based on the information furnished by the watchman, the Station House Officer rushed to the spot and immediately, noticing the police, the respondents fled away. On the complaint given by the petitioners with respect to interference by the police, GD entry was made on 06.03.2019 at 9 AM and matter is being enquired into.

7. As is evident from the deep discussion on the crimes registered in respect of the same property, there appears to be rival disputes between the petitioners and the unofficial respondents. Since a crime is already registered against the petitioners also, it cannot be said that the police are unnecessarily interfering in the civil disputes while investigating into the crimes registered. The police have to visit and make physical inspection of the site in respect of which crimes are registered and merely because the police visit the premises, it cannot

be said that the police are interfering in civil disputes. Further, in fact, on information furnished to the police through Dial 100, the police rushed to the spot to prevent the alleged crime being committed. Therefore, at the invitation of the petitioner also, the police visited the premises. Having regard to the above, this Court is not inclined to grant the relief, as prayed for in the writ petition.

The writ petition is accordingly dismissed. It is needless to observe that if the petitioners are aggrieved by the registration of crime against them, it is open to them to work out their remedies as available in law. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

April 4, 2019
DSK

P. NAVEEN RAO, J

