

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.4534 of 2019

ORDER:

Heard.

2. This Writ Petition is filed by the petitioners alleging that 4th respondent-Station House Officer, Begum Bazar Police Station, by phone called the petitioners continuously and demanded to come to Police Station, meet the Station House Officer (SHO) and handover the original will deed dated 10.09.1965 and other documents. Petitioners further allege that if they approach the SHO, he would forcibly take the petitioners' land documents, passbooks and original will deed dated 10.09.1965, in collusion with 5th respondent and others. In this Writ Petition, petitioners prayed to issue a direction to the respondent-Police not to register the case without giving notice under Section 41-A Cr.P.C. and to declare the action of Veera Swamy of Begum Bazar Police Station in calling the petitioners by telephone and demanding to hand over original will deed along with link documents concerning the subject properties pertaining to civil disputes, without having proper jurisdiction and in collusion with respondents 6 and 7 as illegal, arbitrary and violative of principles of natural justice.

3. Learned Government Pleader produced a photo copy of complaint lodged on 01.03.2019 by one V.Brahma Chary, who is the brother of the petitioners. In the complaint, it is alleged by the complainant that when he was passing through Begum Bazar petrol bunk, his two brothers namely Vadla Srinivasa Chary and Vadla Vishwanatha Chary i.e. petitioners herein snatched away his

bag which contain the original Will Deed, Settlement Certificate, order copies and cash of Rs.1,00,000/-. He, therefore, requested to register the crime and investigate into it. GD entry was made and to ascertain the facts petitioners were called to attend the Police Station. But, the petitioners did not appear before the SHO.

4. As per his instructions, it is apparent that so far no crime is registered and only GD entry was made. In paragraph 18 of the writ affidavit, the petitioners state that first petitioner is the permanent resident of Mamidipally Village, Nandigama Mandal, the second petitioner's residence comes within the limits of Afzal Gunj Police Station whereas 5th respondent is residing in the residence of M.D.Asadulah Khan and Anil Bhai at Shadnagar, which comes within the limits of Shad Nagar Police Station and therefore Begum Bazar Police are no way concerned with the petitioners and do not have jurisdiction.

5. As noticed above, as of now, no crime is registered. According to the learned Government Pleader, alleged stealing of bag of complainant was when he was passing through Begum Bazar petrol bunk. Petitioners sought to contend that no such incident has taken place and it is a false complaint. However, whether the complaint lodged by the complainant is valid and whether the said incident has happened, are matters to be investigated by the Police.

6. Hence, this Court is not inclined to interfere with the investigation, at this stage. Leaving it open to the petitioners to work out their remedies as and when the crime is registered or any adverse decision is taken against them, the Writ Petition is

dismissed. Miscellaneous Petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

P.NAVEEN RAO, J

6th March, 2019.
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