

HON'BLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.19244 of 2014

ORDER:

Heard both the counsel.

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

“..this Hon'ble Court may be pleased to issue order or orders more particularly one in the nature of writ of mandamus declaring the inaction of the respondents herein registering the crime as per the petitioner herein complaint dated 06-03-2014 and conducting investigation without registering in crime as per notice U/s.91(a) a Cr.P.C dated 01-04-2014 as illegal, arbitrary, against the law and violation of mandated provision under 154 Cr.P.C and violation of Art.21 of Constitution of India. And consequentially it is also prayed that this Hon'ble court may be please to direct the respondents here in to registering the crime as per the complaint dated 06-03-2014 and entrust the investigation to the CBCID for fair and transparent investigation and pass such other order or orders deem fit and proper in the circumstances of the case in the interest of Justice.”

3. The learned Government Pleader appearing for the respondents placed on record the written instructions dated 05.08.2014 issued by the Station House Officer, Shamshabad Police Station, Cyberabad.

4. From a perusal of the said written instructions, it is revealed that the petitioner herein lodged a complaint on 06.03.2014 with the Station House Officer, Shamshabad Police Station, by registered post stating that he is the owner and possessor of the land in Sy.No.142/2/AA admeasuring Ac.2.03 guntas, situated at Chinna Golconda, Shamshabad Mandal, Ranga Reddy District. When one M. Bal Reddy and others tried to interfere in his land, he filed O.S.No.1103 of 2000 before the Additional Junior Civil Judge, Ranga Reddy District. The said suit was dismissed leading to filing of an appeal vide AS.No.175 of 2006 on the file of the II Additional District

Judge, Ranga Reddy District. When the said M. Bal Reddy and others tried to dispossess the petitioner and tried to remove the bore well from his land, he filed a complaint requesting to take necessary action. On the basis of the said complaint, the respondent No.2 issued a notice under Section 91(a) of the Criminal Procedure Code dated 01.04.2014 to the petitioner/complainant requesting to furnish the title and possession documents for the purpose of enquiry. The petitioner failed to produce the relevant documents. During the course of enquiry, it was also revealed that there was a civil dispute between the petitioner/complainant and the said M. Bal Reddy and others with regard to the subject land in O.S.No.1103 of 2000, which was dismissed. As the matter relates to civil in nature, the respondent No.2 suggested the petitioner/complainant to approach the competent civil Court seeking redressal of his grievance. It is also further mentioned in the said written instructions that one Karnakar Reddy had lodged a complaint with the respondent No.2 against the petitioner's associates by name Ananta Reddy and Sara Jangaiah. Pursuant to the said complaint, a case in Cr.No.51 of 2014 for the offence under Sections 447, 427 and 323 of the Indian Penal Code was registered on 16.02.2014. Both the accused persons surrendered before the concerned Court and subsequently, released on bail. The said case is pending trial vide CC.No.520 of 2014. There is a civil dispute between the petitioner and the said M. Bal Reddy and others with regard to the subject land for which the respondent police have nothing to do with it. As the subject matter of the complaint of the petitioner dated 06.03.2014, being civil in nature, the respondent No.2 suggested the petitioner to approach a competent civil Court for redressal.

5. In that view of the matter, this Court is of the opinion that the facts demonstrated show that the matter is civil in nature and as such, there are no merits in the writ petition and the same is liable to be closed.

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

P. KESHAVA RAO, J

December 10, 2019
DSK

