

THE HONOURABLE SRI JUSTICE P. KESHA VA RAO

WRIT PETITION No.17182 of 2014

ORDER:

There is no representation on behalf of the petitioner.

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

“...to issue a writ, order or direction more particularly one in the nature of writ of mandamus to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of 3rd respondent in not taking action against 4th respondent on my report dated 17.01.2014 which was received by the office of the 3rd respondent on 20.01.2014 in consonance with my report dated 01.11.2013 as illegal, arbitrary and oppose to all cannons of justice and also abuse of power of police, consequentially direct the 2nd and 3rd respondents to take action against the 7th, 8th and 9th respondents herein by considering the representations dated 12.12.2011, 04.08.2013, 12.08.2013, 19.08.2013, 05.09.2013 made by the petitioner as well as against the 4th respondent for his illegal acts in supporting the respondent no.7 to 9 herein by considering the report of the petitioner to the 3rd respondent, dated 17.01.2014, which was received by the office of the 3rd respondent on 20.01.2014 in consonance with my report dated 01.11.2013 and pass such other order or orders may deem fit and proper in the circumstances of the case.”

3. The 4th respondent filed a counter-affidavit denying the averments made in the affidavit filed in support of the writ petition and contended *inter alia* that the petitioner herein lodged a complaint with Maheswaram Police Station of Cyberabad Commissionerate against A.Satish Reddy and Jaipal Reddy, who are the respondents 8 and 9 herein, on 06.11.2011, since they criminally trespassed into his land in Survey Nos.206 and 207 situated at Thummaloor and damaged the fencing poles (granite poles) and levelled the land with a tractor. Pursuant to the complaint, a case in Crime No.187 of 2011 was registered for the offences under Sections 448 and 427 IPC against the

respondents 8 and 9 herein and investigation was taken up. As per the evidence collected, a *prima facie* case was made out against both the respondents 8 and 9 as they have committed the offences punishable under Sections 448 and 427 IPC. While the investigation was under progress, the respondents 8 and 9 surrendered before the learned IV Metropolitan Magistrate, Cyberabad at Ibrahimpatnam, and enlarged on bail on 05.12.2011. After completion of investigation, charge sheet was also filed against A.1 and A.2, who are the respondents 8 and 9 herein, before the Court of IV Metropolitan Magistrate, Cyberabad at Ibrahimpatnam, and the same was taken on file, vide C.C.No.400 of 2012. The accused are facing trial in the said case. While the matter stood thus, the wife of the petitioner approached the police of Maheswaram Police Station on 22.10.2013 and submitted a petition stating that one M.Srinivas Reddy, i.e., 7th respondent herein, and his son, namely Kranthi Kumar Reddy, came to them and abused them in filthy language and threatened them with dire consequences to see their end and requested to take necessary action as per law. Since the contents of the said petition/complaint appear to be non-cognizable in nature, a requisition was filed before the learned IV Metropolitan Magistrate, Cyberabad at Ibrahimpatnam, to accord permission to proceed with the investigation of the case. After obtaining permission from the learned Magistrate, the 4th respondent conducted a detailed enquiry into the matter and filed charge sheet against M.Srinivas Reddy and his son Kranthi Kumar

Reddy, vide C.No.6/2014 under Sections 504 and 506 IPC, and the same was taken on file as C.C.No.412 of 2014. It is further mentioned that as per the record, the action was taken on the complaints lodged by the petitioner against the unofficial respondents and appropriate charge sheets were also filed against them. Since both the parties are claiming rights over the disputed subject land in question with regard to boundaries, the 4th respondent, after receipt of endorsement of the Commissioner of Police, Cyberabad, advised both the parties to get the land surveyed and fix the boundaries and asked them to settle the matter amicably and approach the revenue authorities for demarcation of the land, since the dispute is purely civil in nature. It is also further mentioned that on the complaint lodged by Smt.M.Shoba, wife of the 7th respondent herein, a case in Crime No.144 of 2012 was registered for the offences under Sections 418, 420, 423, 447, 471 and 120-B read with Section 34 IPC against the petitioner and others on the file of the Maheswaram Police Station. After completion of investigation, charge sheet was also filed against the petitioner and the same was taken on file by the Court, vide C.C.No.398 of 2013. It is also further mentioned that in view of the orders passed by this Court, the trial was stopped in C.C.No.398 of 2013. The petitioner having bore grudge against the unofficial respondents, the petitioner made baseless allegations against the respondent police. To settle the personal scores with the unofficial respondents, the petitioner is trying to involve the respondent police

into the civil disputes. It is specifically mentioned that the respondent police never obstructed the duties of the Station House Officer, Maheswaram Police Station. In fact, the 4th respondent supervised the Station House Officer in registering the case in Crime No.187 of 2011 and in C.C.No.6 of 2014 for investigation, apart from other aspects.

4. In that view of the matter, this Court is of the opinion that there are no merits in the writ petition and the same is liable to be dismissed.

5. Accordingly, the writ petition is dismissed. No order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand dismissed.

6th December 2019

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P. KESHA VA RAO, J

