

HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.31715 of 2013

ORDER:

Heard the learned counsel for the petitioner as well as the respondents.

The prayer sought in the writ petition is as follows:

“... to issue an appropriate writ or order or direction more particularly one in the nature of writ of mandamus declaring the inaction on the part of the 3rd respondent in taking up investigation on the petitioner's report dated 12.08.2013 which was registered as Crime No.129 of 2013 dated 12.08.2013 for the offences under Section 447, 427, 323, 506 r/w 34 IPC as illegal, arbitrary and violative of principles of natural justice as also against the provisions of chapter XII Criminal Procedure Code, 1973 and consequently direct the 3rd respondent to conduct investigation forthwith on the report dated 12.08.2013 made by the petitioner.”

Respondent No.3 i.e., the Station House Officer, Bejjanki Police Station, Bejjanki, Karimnagar District, filed counter affidavit.

From a perusal of the same, it is evident that on the complaint lodged by the petitioner a case in Crime No.129 of 2013 was registered for the offence punishable under Sections 447, 427, 323, 506 read with Section 34 IPC. It is also stated in the counter affidavit that during the course of investigation as many as eight witnesses have been examined and their detailed statements were recorded. Letter dated 08.08.2013 was addressed to the Executive Magistrate and Tahsildar, Bejjanki Mandal, requesting to furnish the particulars of the subject land. On investigation it is also revealed that there is a land dispute between the petitioner

and the unofficial respondents and their family members in Sy.Nos.292/D, 292/F and 293 admeasuring Ac.0.20 guntas, Ac.0.25 guntas and Ac.0.19 guntas respectively situated at Regulapalli Village, Bejjanki Mandal. In fact, Accused No.1 obtained interim injunction orders against the petitioner in I.A.No.265 of 2013 in O.S.No.93 of 2013 on the file of the Court of the Junior Civil Judge, Husnabad. After noticing that the 1st accused has obtained an ad-interim injunction order against him, the petitioner engaged one Sri Ontela Mahender Reddy for ploughing up of the subject land with his tractor and on further investigation, it is also revealed that the said tractor driver himself disclosed that on the instructions of the petitioner, he ploughed the disputed land with his tractor. In fact, the neighbouring land owners also disclosed that on 11.08.2013 they were present at the disputed land by attending the agricultural work, but no offence was took place between the petitioner and the accused. The accused persons never entered into the disputed land nor damaged, threatened or beat the complainant i.e., the petitioner and his family members. As such, after completion of investigation, a final report was filed referring the case as 'false'.

Though a detailed counter affidavit is filed, no reply affidavit is filed to rebut the averments made in the counter affidavit. Therefore, this Court is of the opinion that there are

no merits in the writ petition and the same is liable to be dismissed.

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

Miscellaneous petitions, if any, shall also stand dismissed.

P. KESHA RAO, J

Date: 24.09.2019.
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