

HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.27958 of 2013

ORDER:

Heard both the counsel.

The prayer sought in the writ petition is as under:

“... to issue a writ or direction more particularly one in the nature of writ of Mandamus declaring the inaction of the 5th respondent in providing security to his life against them threats and coercive acts of the respondent No.6 and further in not conducting investigation, enquiry and arrest against respondents No.6 is illegal, arbitrary and unconstitutional and consequently direct the 5th respondent to conduct investigation, enquiry arrest in accordance to law expeditiously in order to prevent further tampering of material objects and witnesses available against respondent No.6 to protect the life and liberty of the petitioner from the hands of the 6th respondent.”

The 5th respondent filed a counter affidavit stating that on 11.09.2013 the petitioner approached Tirumalagiri Police Station and lodged a complaint stating that he is working as a Clerk at Bowenpally Market Yard at Shop No.C-15 owned by one Nandi Narahari and that one J. Chandra Mouli lends money to needy people for 10% interest in the market area. One Mr. Shabbir native of Madanapally, Chittoor District, supplied tomatoes to C-15 shop of Bowenpally market yard and took loan of Rs.4 lakhs from the said Chandra Mouli for 10% interest. Mr. Shabbir paid interest for the loan amount i.e., Rs.40,000/- per month for about 15 months. Recently, for the last two months the said Shabbir failed to pay the interest amount to Chandra Mouli. In this connection, Chandra Mouli came to the petitioner's shop i.e., C-15 and put pressure on him to pay the amount paid to Shabbir and threatened him with dire consequences, if he fails to repay the amount. Therefore, he requested to provide protection from the said Chandra Mouli. Since the contents of the complaint are non-cognizable in nature, a request was placed before the learned X

Additional Chief Metropolitan Magistrate, Secunderabad, to accord permission to register the case. After obtaining permission from the concerned Magistrate, a case in Crime No.177 of 2013 for the offence under Section 506 IPC was registered on the file of Tirumalagiri Police Station on 11.10.2013 against Mr. Jakkula Chandra Mouli i.e., the 6th respondent herein and investigation was taken up. After investigation, the respondent police came to conclusion that there is no threat perception to the petitioner from the 6th respondent. To evade the loan amount taken from the 6th respondent, the petitioner lodged a false complaint against the 6th respondent. Since the dispute between the petitioner and the 6th respondent is purely civil in nature leading to money transaction, the respondent police advised both the parties to seek redressal in a competent civil Court. Learned Government Pleader on instructions submits that after completion of investigation, a final report was filed on 28.12.2013 referring it as "lack of evidence". If the petitioner is not satisfied with the final report and if he is having any objections, the remedy available to him is by way of filing a protest application before the concerned Magistrate.

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

Accordingly, the writ petition is dismissed, giving liberty to the petitioner to take remedial steps as per law. No costs.

Miscellaneous petitions, if any, shall also stand dismissed.

P. KESHA RAO, J

Date: 11.11.2019.
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