

THE HONOURABLE SRI JUSTICE P. KESHA VA RAO

WRIT PETITION No.7046 of 2014

ORDER:

There is no representation on behalf of the petitioners.

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 declaring the action of the Respondents in threatened the petitioners to take their life, harassed, tortured the neighbours, relatives of the petitioner is arbitrary, illegal, against rule of law and violative of article 14, article 21 of Constitution of India and pass such other order or orders may deem fit and proper in the circumstances of the case.”

3. Learned Government Pleader appearing for the respondents placed on record the final report filed by the Sub-Inspector of Police, K.P.H.B. Police Station, Cyberabad.

4. From the perusal of the said final report, it is revealed that the 2nd petitioner filed a complaint on 18.07.2013 at 1800 hours. In the said complaint she has stated that her son and B. Vinay Babu entered into an agreement of sale with her son A.V. Prashanth on 20.08.2012. He paid Rs.17 lakhs as earnest money and was to pay remaining Rs.66 lakhs by 29.10.2012. But, he failed to pay the remaining amount and conspired with tenants in the property to cheat and encroach the property and they together broke the locks of the property, trespassed and tampered electric meters to illegally use electricity. When she approached her property in November and December, 2012, she was

threatened that they will take her life. Then she approached the Commissioner of Police and filed complaint regarding the same on 13.12.2012. The complaint number of the same is 1186/779/C4/CP/CYB/12, which was further acknowledged by ACP's office at No.197/C4/ACP-KKP/CYB/2012. Pursuant to the said complaint, the respondent police registered a case in Crime No.772 of 2013 for the offences under Sections 420, 448, 457 and 506 IPC and investigation was taken up. During the course of investigation, the respondent police examined and recorded the detailed statements of the complainant in the Case Diary Part-II. She stated and corroborated the contents of the F.I.R. The complainant also submitted Xerox copies of the relevant documents pertaining to the case. The evidence collected during the investigation revealed that the alleged accused-B. Vinay Babu entered into an agreement of sale of property of Plot No.71, Nizampet village with the complainant's son A.V.Prasanth for total consideration of Rs.83 lakhs and paid Rs.17 lakhs as advance. But her son failed to register the property even after repeated requests and legal notices. Later Sri B.Vinay Babu-accused filed a suit for specific performance in the Court of Special Sessions Judge-cum-Additional District and Sessions Judge at L.B.Nagar. In fact, the son of the complainant also filed his written instructions admitting the transaction and pleaded that he is ready and willing to execute the registered sale deed if the said accused-B.Vinay Babu deposits the remaining consideration of Rs.66 lakhs.

5. After looking into the matter, the respondent police filed a final report referring the case as 'civil in nature' vide ACP No.812ACP-KP-CYB/2013 to the concerned Court for its approval. It is also mentioned in the final report that notice was also served on the complainant.

6. Learned Government Pleader on oral instructions submits that the respondent police never threatened the petitioners and never harassed and tortured the family members and relatives of the petitioners.

7. 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.

8. Accordingly, the writ petition is dismissed.

Miscellaneous petitions pending, if any, shall stand dismissed.

No order as to costs.

14th November 2019

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P. KESHA VA RAO, J