

HONOURABLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION No.23704 OF 2019

ORDER:

This Writ Petition is filed questioning the action of official respondent Nos.4 and 5 - Assistant Commissioner of Police, Shadnagar, and Station House Officer, Kondurg Police Station, Cyberabad Commissionerate, respectively, in threatening the petitioner to not to enter his property under the influence of unofficial respondent No.6 in contravention of the orders of the Family Court - cum - VIII Additional District Judge, Mahabubnagar, in I.A. No.548 of 2018 in O.S. No.104 of 2018 dated 02.08.2019 as being illegal, arbitrary and in violation of Articles 14, 21 and 300-A of the Constitution of India, and for a consequential direction to respondent Nos.4 and 5 to not to interfere in his civil disputes over the suit schedule property.

2. Heard Sri K. Ramachandra, learned counsel for the petitioner, and learned Assistant Government Pleader for Home appearing for respondent Nos.1 to 5, and perused the material on record.

3. Sri V. Hanumanth Rao, learned counsel, submits that he has been instructed by respondent Nos.6 to 8 to appear on their behalf pursuant to the notice received by them as per the orders of this Court dated 30.10.2019. Though a request has been made on behalf of respondent Nos.6 to 8 for time, since the issue involved relates to

interference of respondent Nos.4 and 5 by threatening the petitioner not to enter into the suit schedule property, this Court is of the view that no counter from the unofficial respondents is required and took up the matter for hearing and disposal.

4. Learned Assistant Government Pleader for Home based on the written instructions dated 30.10.2019, a copy of which is placed before this Court, submits that on the complaint of the petitioner, a case was registered in Crime No.112 of 2018 in Kondurg Police Station on 17.11.2018 and in the course of investigation, the 5th respondent examined the witnesses and recorded their statements. Since the investigation revealed that the complaint made by the petitioner against the named accused therein relates to civil dispute between them, after obtaining permission from respondent No.4 on 30.06.2019, the respondent No.5 referred the matter as civil in nature and a copy of the notice was also served on the petitioner informing the same. He further submits that two cases were registered against the petitioner herein in Crime No.113 of 2018 and Crime No.11 of 2019 and in connection with investigation of the said crimes, notices under Section 41-A of the Code of Criminal Procedure, 1973, were served on the petitioner and except investigating into the said crimes, respondent No.5 never interfered in the civil disputes of the petitioner at any point of time.

5. Having regard to the aforesaid submissions made by the learned Assistant Government Pleader for Home on behalf of

respondent Nos.4 and 5, this Court is of the view that no further orders are required to be passed in the matter except to direct the official respondents to undertake investigation into crimes registered in accordance with law.

6. Thus, recording the submission of the learned Assistant Government Pleader for home, with the above direction, the writ petition is closed. No order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the writ petition stand closed.

November 13, 2019.
PV

T. VINOD KUMAR, J

