

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

Writ Petition No.9299 of 2020

ORDER:

The present writ petition is filed under Article 226 of the Constitution of India for issue of a Writ of Mandamus to declare the action of 3rd respondent-Station House Officer, BDL Bhanoor Police Station, Sangareddy District, in interfering with the disputes that are concerning to civil profile effecting the rights of the petitioner relating to the schedule property and personal liberties of the petitioner guaranteed under the Constitution of India, apart from violating the statutory rights of the petitioner, further subjecting the petitioner to undue harassment abusing his office exercising powers contrary to process and procedure contemplated under Criminal Procedure Code beyond the scope of enquiry and investigation of the crime registered against the petitioner, vide FIR No 22 of 2020 on the file of BDL Bhanoor Police Station, as being illegal, arbitrary, unconstitutional and contrary to the provisions of the Code of Criminal Procedure.

2. The above case is taken up for hearing today i.e., 14.07.2020, through Video Conferencing.

3. Heard Sri A. Venkatesh, learned counsel for the petitioner, learned Assistant Government Pleader for Home appearing for respondent Nos. 1 to 3 and Sri Shyam S Agarwal, learned counsel appearing for respondent Nos.4 & 5.

4. The learned counsel for the petitioner by drawing the attention of this Court to the averments made in the writ petition, in particular the averments in paragraph Nos.8 to 11, would

submit that there are *inter se* civil disputes between the petitioner and unofficial respondent Nos.4 & 5, which are being pursued by the parties and the petitioner has obtained an injunction order against the people named in O.S.No.153 of 2016 on the file of VII Additional District Judge's Court, Sangareddy and also *status quo* order in OS No.231 of 2018 on the file of the Senior Civil Judge's Court, Sangareddy.

5. The learned counsel for the petitioner also submits that though a case vide FIR No.22 of 2020 dated 12.02.2020 is registered against the petitioner, the same does not confer any authority or jurisdiction on the respondent police authorities to interfere in the civil litigation or coerce the petitioner not to pursue the civil litigation.

6. The learned Assistant Government Pleader for Home has forwarded to this Court by e-mail detailed Written Instructions dated 13.07.2020 under the signature of 3rd respondent-Inspector of Police, BDL Bhanoor Police Station. By the said written instructions, while denying the writ averments, it is stated that on the complaint of one Sri Vallaboju Srinivasa Chary, who is the 4th respondent in the present writ petition, a case in Crime No.22 of 2020 of BDL Bhanoor Police Station was registered against the petitioner and others for the offences punishable under Sections 447 and 427 IPC on 12.02.2020 and the 3rd respondent authority took up investigation into the case, wherein the petitioner is arrayed as accused No.1.

7. By the said written instructions, it is further stated that the investigation into the above case registered against the petitioner

and others discloses that the petitioner herein and one Fasiuddin criminally trespassed into the unofficial respondents plots and demolished the room. It is further stated that as part of investigation, notice u/s.41-A of Cr.P.C. dated 12.06.2020 was served on the petitioner, who is accused No.1 and Mr. Fasiuddin, who is accused No.2 in the above crime. It is also stated that while the above case was under investigation, the petitioner filed Criminal Petition No.2715 of 2020 before this Court seeking to quash the said FIR and the same is pending consideration.

8. By the said written instructions, it is further stated that except registration of the above crime on receipt of the cognizable complaint from the 4th respondent-complainant and proceeding with the investigation into the case as contemplated under law, the respondent police authority never interfered with the civil disputes.

9. It is also stated that the allegation made by the petitioner in the affidavit filed into this Court that the respondent police are coercing the petitioner to withdraw the civil litigation as baseless and false and same is invented for the purpose of filing the present writ petition. It is also stated that despite service of notice u/s.41-A Cr.P.C. the petitioner is not cooperating with the investigating agency and therefore the respondent authority is unable to complete the investigation in the crime registered and to divert the attention of the police authorities from investigating into the above case registered, the petitioner has come up with the present writ petition.

10. At this stage, the learned counsel for the petitioner submits that notice u/s.41-A Cr.P.C. has not been served on the petitioner

till date. Notwithstanding the above said submission, a copy of notice u/s.41-A Cr.P.C. showing that the same has been served on the petitioner was forwarded to the learned counsel for the petitioner today to enable the petitioner to comply with the same.

11. Having regard to the submissions made as above on behalf of the respondent police authorities that except investigating into crime No. 22 of 2020, and to complete the investigation therein, for filing appropriate report u/s.173 Cr.P.C. before the concerned trial Court, in which it is claimed that notices u/s.41-A Cr.P.C. having been issued to the petitioner and another, the respondent police authorities are not interfering in the civil disputes between the petitioner and the unofficial respondents, it is needless to mention that the respondent police authorities shall conduct investigation into the crime registered strictly in the manner known to law without interfering into the *interse* civil disputes between the petitioner and the unofficial respondents in the present writ petition.

12. Subject to the above observation and direction, the writ petition is disposed of. However, there shall be no order as to costs.

13. Miscellaneous petitions, if any, pending in this writ petition, shall stand closed in the light of this final order.

T. VINOD KUMAR, J

Date: 14.07.2020
Isn

HIGH COURT FOR THE STATE OF TELANGANA

MAIN CASE No.: W.P.No.9299 of 2020

PROCEEDING SHEET

Sl. No	DATE	ORDER	OFFICE NOTE
01.	14.07.2020	<u>TVK,J:</u> The writ petition is disposed of. (vide separate order). (B/o.) Isn	

