

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.40148 of 2015

ORDER:

Heard learned counsel for the petitioner, learned counsel for the 5th respondent, and the learned Assistant Government Pleader for Home.

The allegation in the writ petition is that, at the instance of respondent No.3, respondents 2 and 4 are interfering in civil disputes between the petitioner and 5th respondent, and also threatening the petitioner with dire consequences.

A detailed counter affidavit is filed by respondent No.2 denying the allegations in the writ affidavit and further bringing to the notice of the Court that on a complaint received by post from the petitioner, a case was registered in FIR No.1161/2015 for the offence punishable under Section 447 IPC on the file of Hayathnagar Police Station and investigation was taken up. It is also asserted that appropriate report would be filed under Section 173 Cr.P.C. before the competent Court.

This Court, on 23.12.2015, after taking into consideration the non-appearance on behalf of respondents 3 and 4 in spite of service of notices, passed an interim order to the following effect:

“Despite service of notice, there is no appearance for the 3rd and 4th respondents.

In the light of the injunction order dated 30.07.2015 passed by the competent civil Court in favour of the petitioner against the 5th respondent, it is not open to the police authorities to assist a party who seeks to act in violation thereof.

There shall accordingly be a direction to respondents 1 and 2 not to interfere with the possession of the petitioner over the property which is the subject matter of the said injunction order and in the event any complaint is made by the petitioner alleging violation of the said order, the police authorities shall provide protection and aid to the petitioner to secure compliance with the injunction order.”

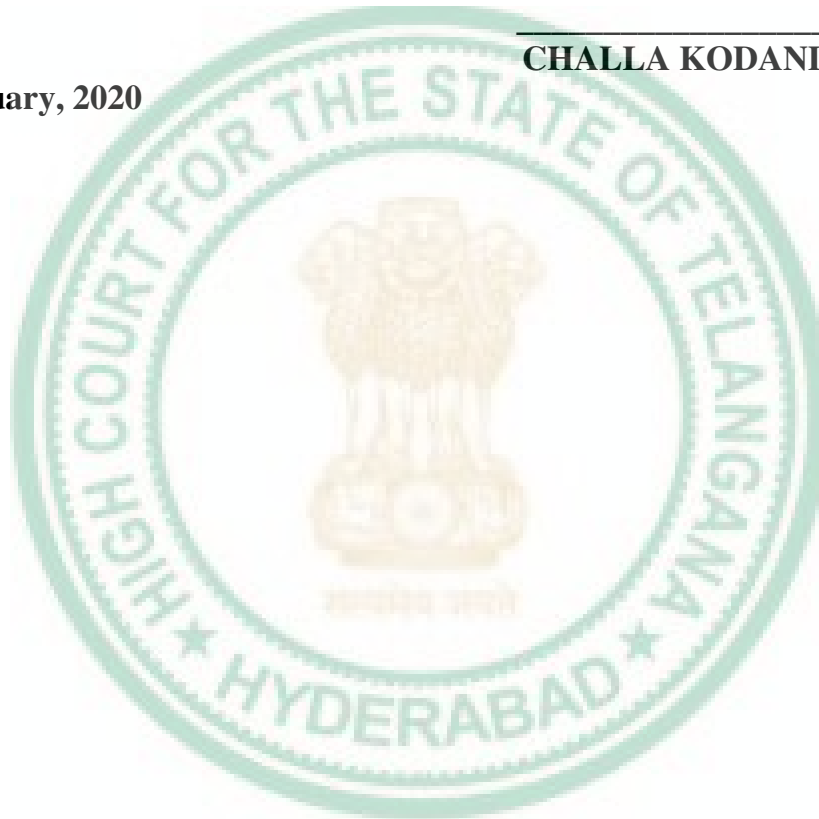
Now, in the light of the above interim order, and considering the fact that as on date O.S.No.422 of 2013 and other cases are pending before the civil Court between the parties, the writ petition is closed by making the interim order dated 23.12.2015 as the final order. It is made clear that the investigation may go on with respect to the complaint of the petitioner and necessary report be filed before the competent Court in accordance with law. No costs.

Miscellaneous petitions, if any pending in this writ petition, shall also stand closed.

13th February, 2020

KSM

CHALLA KODANDA RAM, J



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