

(2022) 03 TEL CK 0097
In the Telangana High Court
Case No : Writ Petition No. 16080 Of 2022

Amudala Ramakrishna

APPELLANT

Vs

State Of Telangana

RESPONDENT

Date of Decision : 30-03-2022

Acts Referred:

Indian Penal Code, 1860 — Section 34, 290, 323, 363, 448, 506
Code Of Criminal Procedure, 1973 — Section 41A

Citation : (2022) 03 TEL CK 0097

Hon'ble Judges : T. Vinod Kumar, J

Bench : Single Bench

Advocate : Bethi Venkateswarlu

Final Decision : Disposed Of

Judgement

1. This Writ Petition is filed seeking a Writ of Mandamus to declare the action of the respondents, more particularly the 2nd respondent, in not initiating action against the 3rd respondent and his sub-ordinates for calling him to the police station since February, 2022 by making regular phone calls, and forcing him to settle the civil disputes with respondents 4 & 5 by paying the demanded money on the basis of blank signed cheques and non-judicial stamp paper, otherwise threatening to register criminal case, and thereby putting mental torture and agony to the petitioner without registering any case and interfering in civil disputes in spite of receipt of petitioner's complaints dt.17.03.2022 and 12.02.2022, as highly illegal, arbitrary, and consequently direct the respondents, in particular 3rd respondent and their sub-ordinates, not to call the petitioner to the police station and interfere with the civil disputes of the petitioner and respondents 4 & 5 in any manner, without following due process of law.

2. Heard learned counsel for the petitioner, learned Government Pleader for Home appearing for respondent 1 to 3, and with their consent, the Writ Petition is taken up for hearing and disposal at the admission stage.

3. Petitioner contends that the respondents, in particular 3rd respondent, without there being any case registered, is calling the petitioner to the 3rd respondent-police station and forcing him to settle the civil disputes with the un-official respondents 4 & 5 by paying money, and the said action of the respondents in interfering with the civil disputes, is without jurisdiction and illegal; and aggrieved by the said action of 3rd respondent, petitioner approached the 2nd respondent by making complaints on 12.02.2022 and 17.03.2022, and in spite of receiving the said complaints, no action has been initiated by the 2nd respondent against 3rd respondent and his sub-ordinates. Hence, he filed the present Writ Petition.

4. Learned Government Pleader for Home appearing for respondents 1 to 3 has placed before this Court the written instructions, dt.02.03.2022, under the signature of the Sub-Inspector of Police, Sircilla Police Station, Rajanna Sircilla District. The same is taken on record.

5. By the said written instructions, while denying the writ averments, the respondents submit that basing on the complaint made by one Billa Alekya, a case has been registered in Crime No.481/2020 under Sections 448, 323, 506, 290, 363 r/w 34 IPC by Siricilla Town Police Station on 18.09.2020 against the petitioner for abusing the complainant therein and her husband and also beating them; that in the above said case, petitioner is arrayed as A3 and was served with notice under Section 41A Cr.P.C.; that in spite of receiving the said notice, the petitioner is not coming forward and cooperating with the investigation and to circumvent the investigation into the above said crime, petitioner has come up with the present writ petition by making false and frivolous allegations.

6. By the said written instructions, it is further stated that except investigating into the crime registered against the petitioner and others in Cr.No.481/2020, the respondents are not interfering with the civil disputes between the petitioner and others as being alleged by the petitioner, and insofar as the complaint made by the petitioner against the 3rd respondent to the 2nd respondent, it is stated that the same is pending enquiry.

7. Having regard to the assertions made by the 3rd submissions made above, and the categorical respondent, under the written instructions, that except investigating into the crime No.481/2020 of Siricilla Town Police Station, the respondents are not interfering in the civil disputes of the petitioner and respondents 4 & 5, the respondents are directed to investigate into the above crime, strictly in accordance with law.

8. Subject to the above observations, this Writ Petition is disposed of. No order as to costs.

9. Consequently, miscellaneous petitions, if any, pending shall stand closed.