

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINETEENTH DAY OF JUNE
TWO THOUSAND AND EIGHT

PRESENT

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION NO : 7508 of 2005

Between:

- 1 Chilla Dharmaiah, S/o. Chandraiah,
R/o. Taratava, Akiveedu (M), W.G.district.
- 2 Chekka Yasu Babu @ Chikati Yesu, S/o. Maresu,
R/o. Taratava, Aldveedu (M), W.G.District.
- 3 thota Yesu Padam, S/o. Sankarudu,
R/o. Taratava, Aldveedu (M), W.G.District.
- 4 Garaga Sreenu, S/o. Suanna,
R/o. Taratava, Aldveedu (M), W.G.District.
- 5 Chilla Chandraiah, S/o. Dharmaiah,
R/o. Taratava, Aldveedu (M), W.G.District.
- 6 Mallareddy Ramakrishna Babu, S/o. Venkateswara Rao,
R/o. Taratava, Aldveedu (M), W.G.District.
- 7 Mallareddy Ravi Sekhar, S/o. Atchuta Rao,
R/o. Taratava, Aldveedu (M), W.G.District.
- 8 Mallareddy Atchuta Rao, S/o. Rama Seshiah,
R/o. Taratava, Aldveedu (M), W.G.District.

..... PETITIONERS

AND

- 1 The Station HOuse Officer, Akiveedu P.S., West Godavari District.
- 2 Jupalli Krishna Kumari, W/o. JVSS Prasad,
R/o. 10-B, Bharatiya Vidya Bhavan, Bhimavaram, W.G.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to Issue a writ, order or direction more fully one in the nature of Writ of Mandamus declaring that proceedings in Crime No.30/2005 on the file of Akiveedu P.S., W.G.District as illegal, improper arbitrary and quash the same and pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: SMT.K.SESHARAJYAM

Counsel for the Respondent No.1: GP FOR HOME

Counsel for the Respondent No.2: Mr.B.Vijaysen Reddy

The Court made the following :

ORDER

Petitioners seek to issue a Writ of Certiorari declaring the registration of Crime No.30 of 2005 on the file of Akiveedu Police Station, West Godavari District registered for the offences under Sections 447 and 379 IPC, as arbitrary and illegal.

Learned counsel for the petitioners submits that the disputes between the petitioners and the 2nd respondent are civil in nature and therefore, the registration of the said crime by the first respondent is illegal and no provisions of IPC would apply as the petitioners have not committed any offence.

Even though the civil disputes and civil cases are pending among the parties, if any crime is committed, the criminal law will have to set into motion and therefore, merely because civil disputes are pending among the parties, it cannot be said that the petitioners have not committed any offence and the registration of the F.I.R is illegal and arbitrary.

A perusal of the complaint prima facie goes to show that the petitioners have trespassed into the land and cut the paddy crop and shifted the same. However, the question as to whether any crop is standing on the land at the time of offence and whether the petitioners have committed the offence as alleged, is matter to be adjudicated before the Court below after a full fledged trial.

In the facts and circumstances, I am of the opinion that

without adducing the evidence and without marking the documents, it cannot be said that registration of the crime against the petitioners is illegal.

I do not see any merits in the writ petition and the same is accordingly dismissed. No costs.

19-06-2008

rkk

.... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

**1 The Station HUse Officer, Akiveedu P.S., West Godavari
District.**

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