

**THE HON'BLE SRI JUSTICE R. SUBHASH REDDY**

**WRIT PETITION No.22141 of 2010**

**ORDER:**

1        This Writ Petition is filed with the prayer, which reads as under:

“For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon’ble Court may be pleased to issue an appropriate writ, direction; more particularly, one in the nature of writ of Mandamus declaring the action on the part of the respondents in harassing the petitioners by registering FIR No.141 of 2010 on the file of Karkhana Police Station, Secunderabad and threatening to prosecute them in the name of criminal case when the civil suit for the same property is pending as illegal and unconstitutional and consequently direct the respondents 1 to 3 not to proceed against the petitioners while declaring that FIR No.141 of 2010 on the file of Karkhana Police Station, Secunderabad could not have been registered and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

2        The fourth respondent is the complainant in Cr.No.141 of 2010 registered on the file of Karkhana Police Station, Secunderabad. The aforesaid crime is registered against the petitioner for the offences punishable under Sections 420, 406 and 506 of IPC.

3        In this Writ Petition, it is the grievance of the petitioner that under the guise of the registering the said crime, the police are harassing the petitioner though the dispute between him and the fourth respondent is of civil nature.

4 When the matter is taken up for hearing, it is submitted by the learned Government Pleader for Home that in the aforesaid Crime No.141 of 2010, registered on the file of the Karkahana Police Station, Secunderabad, after completing investigation the police have filed a final report before the learned XI Additional Chief Metropolitan Magistrate, Secunderabad stating that the dispute between the petitioner and the fourth respondent is of civil nature and it is further stated that against the said final report, the fourth respondent filed a protest petition before the learned Magistrate.

5 When a complaint is filed before the police, it is the duty of the police to investigate into the complaint and file a final report either way. But, such action cannot be termed as harassment. In any event, now as it is stated that after conducting investigation into the complaint lodged by the fourth respondent the police have filed a final report stating that the dispute between the petitioner and the fourth respondent is of civil nature and as it is also stated that against the said final report the fourth respondent has filed a protest petition, I deem it appropriate to dispose of the Writ Petition placing on record the statement made by the learned Government Pleader. However, it is made clear that if any protest petition is filed by the fourth respondent, it is for the learned Magistrate to decide the same independently without being influenced by any of the observations made by this court in this Writ Petition.

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

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**R.SUBHASH REDDY, J.**

31.01.2012

***Kvsn***