

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

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WRIT PETITION No.21068 of 2015

Between:

Marisetti Leelavathi

.. Petitioner

and

The Station House Officer, Jaggaiahpet Police Station, Jaggaiahpet,
Krishna District and four others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 5.8.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE A.V.SESHA SAI

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment? | Yes/No |

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THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.21068 of 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue a writ, order or direction more particularly one in the nature of writ of Mandamus to declare the delay and inaction on the part of 1st respondent in conducting proper investigation in Cr.No.261/2014 for establishing the guilt of the accused U/Sec. 420 IPC as arbitrary and illegal and consequently direct the 1st respondent to conduct proper investigation by examining the bankers and seize necessary documents and file charge sheet for the offence punishable as per law in the interest of justice.”

2. Heard Sri P.Nagendra Reddy, learned counsel for the petitioner, and the learned Government Pleader for Home (Andhra Pradesh) appearing for respondent Nos.1 to 4 apart from perusing the material available before this Court.

3. When the matter is called today, written instructions, dated 13.7.2015, furnished by the Sub-Inspector of Police, Jaggaiahpet Police Station, Krishna District have been placed on record by the learned Government Pleader. The said instructions read as under:

“It is submitted that the petitioner herein lodged a complaint on 27.11.2014 with the Station House Officer, Jaggaiahpet Police Station, Krishna District stating that the 5th respondent/Parvathaneni Padmaja sold her land to the complainant for a total sale consideration of Rs.1,24,00,000/- by virtue of agreement of sale on 17.11.2011 and paid Rs.31 lakhs to the accused as advance amount. When the complainant started constructions he came to know that the accused already obtained bank loan of Rs.37,50,000/- on that property. When the complainant questioned the accused and others abused the complainant in filthy language. The complainant requested the police to take necessary action.

It is respectfully submitted that basing on the said complaint a case in Cr.No.261/2014 dated 27.11.2014

U/s.420, 323, 506 IPC was registered against the 5th respondent on the file of Station House Officer, Jaggaiahpet Police Station, Krishna District and investigation has been taken up.

It is respectfully submitted that during the course of investigation as many as 10 witnesses were examined and recorded their detailed statements. As per the evidence it revealed that the accused the 5th respondent/Parvathaneni Padmaja entered into agreement of sale dated: 17.11.2011 with the complainant in respect of four storied building situated opposite of Nataraj Theatre, Jaggaiahpet for a total sale consideration of Rs.1,24,00,000/- and the complainant paid Rs.31 lakhs to the accused as earnest amount. When the sale transaction was pending the complainant entered into the said property and tried to construct. The complainant and his partner filed civil suit with regard to the said dispute. In the meanwhile the above FIR was registered. The matter relates to civil in nature. In this connection the Sub Divisional Police Officer, Nandigama accorded permission to refer the case as Civil in nature vide proceedings C.No.62/RFR/SDO-NDG/2015 dated 23.2.2015.

The complainant notice was not received by the complainant and refused to take notice since 23.2.2015 as police constable 1277 was deputed to serve the notice to the complainant.

The final report as "civil in nature" was filed before the Hon'ble Judicial First Class Magistrate, Jaggaiahpet vide C.F.No.3196/2015 dated: 13.7.2015. The copy of the final report is enclosed herewith for kind perusal of this Hon'ble Court."

On noticing the said written instructions, learned counsel for the petitioner has requested this Court to record the said instructions and close the writ petition.

4. In view of the aforesaid reason, the Writ Petition stands disposed of by recording the written instructions, dated 13.7.2015, furnished by the Sub-Inspector of Police, Jaggaiahpet Police Station, Krishna District and the petitioner is at liberty to avail the remedies, if any,

available to her as per law. There shall be no order as to costs.

5. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE A.V.SESHA SAI

Date: 5.8.2015

AMD

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THE HON'BLE SRI JUSTICE A.V.SESHA SAI

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DATE: 5.8.2015

AMD