

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

WRIT PETITION No.26545 OF 2015

ORDER:

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

“to issue a writ, order or direction more particularly one in the nature of a Writ of Mandamus declaring the action of the Respondents in not following the procedure contemplated in section 173 Cr.P.C. in Cr.No.60 of 2013 of Governorpet Police Station, Vijayawada City, Krishna District as illegal, arbitrary and violation of Articles 21 of the Constitution of India and consequently direct the Respondents to file Report as per section 173 Cr.P.C. in Cr.No.60 of 2013 of Governorpet Police Station, Vijayawada City, Krishna District as early as possible preferably within a period 4 weeks and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. When the matter is called today, written instructions dated 03.09.2015, furnished by the Sub Inspector of Police, Governorpet Police Station, West Zone Vijayawada City, have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“It is respectfully submitted that one Venkata Rama Alwander, the Branch Manager/Authorized person filed his private complaint before the Ill Addl. Chief Maropolitian Magistrate, Viajaywada against one Patibandla Ravikumar and 5 others, stating that he used to depute its employees at various firms dealing with sales of electronic goods with the permission of the said firms. One Bhaskar Murthy /A3 owing three firms Sonovision, Digital Vision, and Panavision in Vijayawada city. With the permission of the above said Bhaskarmirthy the Company deputed other employees for verification of the status and capacity of the customers in providing loan to them. In the said process, the Company provides loan facility to the customers as per

the rules and regulations of the Company. In the said process the signature of the customer will be obtained on the delivery order, after receiving the delivery order the Bhaskar Murthy's Firm/ A3 uses to collect down payment from the customer thereafter after they send the invoice of the product with customer's signature, and the Company used to make payment to the Bhaskar Murthy's Firm/A3.

It is submitted that in the above said process the one Patibandla Ravikumar and 5 others, manipulated the delivery order forms of the Company and the invoices of the Bhaskar Murthy's Firm/A3 and played fraud against the Company and cheated the company to tune of Rs.40,00,000/-, hence requested to take necessary action.

It is further submitted that after receiving the same from the Hon'ble Court the respondent police registered a case in Cr. No. 60/2013 U/Sec.408,420, 464,468,474, r/w 34 IPC and 156(3) Cr.P.C. The investigation officer took up the investigation. During the course of investigation, one witness examined and recorded his statements and collected the documentary evidence. During the course of investigation it reveals that one Patibandla Ravikumar/A1 lodged a complaint against the Complaint's Company officials with the Surya Rao Peta Police station, Vijayawada city in the month of December 2012 hence as a counter blast the petitioner herein filed a Private complaint with the respondent police. It is also submitted that so from the correspondence it is very clear that there is neither cheating nor deception on the part of the accused as alleged by the defecto complaint in this case. Hence the case was referred as Civil in nature and after getting orders from the Assistant Commissioner of Police, West Zone, Vijayawada City vide C. No. 709/ACP-WZ/2013 dt. 01.09.2013 by serving notices to the complainant. And final report was filed before the Hon'ble III Additional Chief Metropolitan Magistrate, Vijayawada City on 26.10.2013 vide C.f. No. 9003/2013."

3. On noticing the said written instructions, learned counsel for the petitioner requested this court to dispose of the writ petition by recording the said written instructions.

4. In view of the above, writ petition stands disposed of, by recording the written instructions dated 03.09.2015, furnished by the Sub Inspector of Police, Governorpet Police Station, West Zone Vijayawada City.

5. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

04th September, 2015

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