

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

WRIT PETITION No.17247 of 2012

ORDER:

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

“to issue writ of Mandamus to declare the inaction of the 2nd respondent in not completing the investigation in FIR No.455/2009 dt.14-11-2009 registered basing on the forwarded private complaint filed against respondent Nos.3 to 5 for the offences of fabricating and tampering of the records and forged the signatures and created the false documents and did not file the charge sheet even after lapse of 2½ years as illegal, arbitrary, unjust and consequently direct respondent Nos.1 & 2 to complete the investigation and filed the charge sheet.”

Heard Sri I. Koti Reddy, learned counsel for the petitioner and learned Government Pleader for Home for respondents, apart from perusing the material available before this Court.

Today, when the matter is called, written instructions, dated 08-10-2015 furnished by the Inspector of Police, Ongole Taluq Police Station, Prakasam District have been placed on record by the learned Government Pleader for Home. The said instructions to the extent of relevancy read as under:

“It is submitted that as the matter relates to civil in nature and civil suits were also filed. In this connection the Sub Divisional Police Officer, Ongole vide C.No.534/Refer/SDPO-O/2015 dated 26-09-2015 accorded permission to refer the case as civil in nature. After serving the notice to the complainant on 27-09-2015 the final report as “CIVIL IN NATURE” was filed before the Hon'ble concerned Court on 05-10-2015. The copies of notice to complainant and final report are filed along with this counter affidavit for kind perusal of this Hon'ble Court.”

On noticing the above said instructions, learned counsel for the petitioner has requested this Court to record the said instructions and dispose of the writ petition keeping it open for the petitioner herein to avail the remedies available to him under Cr.P.C.

In view of the above, the writ petition stands disposed of, by recording the written instructions, dated 08-10-2015 furnished by the Inspector of Police, Ongole Taluq Police Station, Prakasam District and it is open for the petitioner herein to avail the remedies available to him under Cr.P.C.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. There shall be no order as to costs.

A.V. SESA SAI, J

November 03, 2015

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