

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

WRIT PETITION No.27073 OF 2015

ORDER:

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

“to issue appropriate writ or order or direction more particularly one in the nature of writ of mandamus declaring the inaction on part of the Respondents No.1 to 3 in not registering any case against the complaint, dated 25-05-2015, and not taking any action against the Respondents No.4 and 5 as totally illegal, arbitrary and consequently direct the respondent No.3 to register a case as per the contents of the complaint, dated 25-05-2015 of the Petitioner against the respondents No.4 and 5 and prosecute them as per law and pass.”

2. When the matter is called today, written instructions dated 02.09.2015, furnished by the Assistant Sub-Inspector of Police, Naidupeta Police Station, Nellore District, have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“It is respectfully submitted that after communication of the writ petition the Station House Officer, Naidupeta police Station, Nellore District verified the station records whether the petitioner herein had lodged complaint on 25.5.2015. It is submitted that the station records revealed that as of now the Naidupeta police did not receive the said complaint stated to have been lodged by the petitioner herein on 25.5.2015.

It is respectfully submitted that on 1.9.2015 the petitioner herein came to the police station and lodged a complaint with the Station House Officer, Naidupeta police Station, stating that she is the owner of the house bearing No. 6-9-95, Amara Garden, Naiduet Mandal, Nellore District. The petitioner herein obtained loan of Rs.3,50,000/- from the respondents 4 and 5, Bathala Prabhavathi and Bathala Prabhakar and as a security the petitioner herein deposited the original house

document. The respondents 4 and 5 with a mala fide intention forged and fabricated the registered document as sale deed. When the petitioner ready to repay the said amount and asked the respondents 4 and 5 to return back her documents and cancel the alleged sale deed. On 6.12.2013 the respondents 4 and 5 written a document in favour of the petitioner that whenever she return the said amount, the respondents 4 and 5 will return the original documents and cancel the alleged sale deed. The petitioner re-paid the said amount in installment to the respondents 4 and 5 and also issued a legal notice to them on 6.5.2014. The petitioner further stated that she tried to lodge complaints in the police station, but no police officers were available. Thus the respondents 4 and 5 received the said amount and deceived the complainant by not returning her original documents and not cancelled the alleged sale deed. The petitioner requested to take necessary action.

Basing on the said complaint a case in Cr.No. 273/2015 U/s. 420 IPC has been registered on 1.9.2015 against the respondents 4 and 5 on the file of the Station House Officer, Naidupeta police Station, Nellore District. After finalizing the investigation an appropriate report will be submitted before the concerned Hon'ble Court as expeditiously as possible.

The contention of the petitioner that the respondent police insisted the petitioner to settle the issue with the respondents 4 and 5 is false, hence denied. It is submitted that the respondent police never tried to interfere or tried to settle the alleged issue.”

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 02.09.2015, furnished by the Assistant Sub-Inspector of Police, Naidupeta Police Station, Nellore District.

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

08th September, 2015
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