

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

TUESDAY THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SETHA SAI

WRIT PETITION NO. 30993 OF 2015

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Between:

Kum. Kamala Gopala ... Petitioner

Vs.

The State of Andhra Pradesh

Rep.by its Prl.Secretary,

Home Department, Secretariat,

Hyderabad & Ors. ... Respondents

Counsel for the Petitioner: Sri Challa Ajay Kumar

Counsel for the Respondents: GP for Home [AP]

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 30993 OF 2015

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ORDER :

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

“To declare the action of the respondents particularly fifth respondent in calling the petitioner to the police station without any case, complaint or crime or without any notice and without following due process of law and interfering in civil disputes as illegal, arbitrary, unconstitutional and consequently to direct the fifth respondent not to call the petitioner to the police station without any case or crime and without following due process of law, not to harass the petitioner in any manner and not to interfere in civil disputes and to pass such other suitable orders as this court may deems fit and proper in the

circumstances of the case..”

2. Heard Sri Challa Ajay Kumar, learned counsel for the petitioner and the learned Government Pleader for Home for the respondents 1 to 5.

3. When the matter is called, written instructions dated furnished by the Sub-Inspector of Police, II Town Police Station, Visakhapatnam city have been placed on record by the learned Government Pleader for Home for the respondents.

3. The written instructions, reads as under:

“ This is a case of criminal breach of trust coupled with cheating in furtherance of their common intention that occurred prior to 12/9/2015 at D.No. 31-1-77, Old Manorama Theater, Manager in Virgo Industries Private Limited/9th respondent, state reported that on believing the deceitful words of the petitioner’s companyh Sri Kalanjali Enterprizes, the 9th respondent company I;e. Virgo Industries supplied to laminated plywood consignment to a tune of Rs.69,53,653/- to the petitioner’s company. After receipt of the above consignment as per memorandum of understanding, the accused paid only Rs.10,00,000/- out of total consideration and further postponed to clear balance amount and further absconded without clearing the balance amount and thus committed criminal breach of trust and cheating the above persons cheated their company without paying amount towards supplied material. Enclosed the copies of bills, documents concerned to supply material and requested to take necessary action against them etc. facts.

On receipt of the above complaint from Surendra Reddy/9th respondent herein, a case was registered in Crime No.355/2015 under section 406, 420 r/w 34 IPC of II-Town Police Station on 12/9/2015 at 2000 hours and investigated into.

After completion of investigation, the respondent police will file appropriate report before the competent court as early as possible.

The respondent police will abide by the directions if any

passed by this Hon'ble court."

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

5. In view of the above, the writ petition is closed by recording the above written instructions furnished by the Sub-Inspector of Police, II-Town Police Station, Visakhapatnam city. No costs.

6. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE A.V.SESHA SAI

06/10/2015

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HONOURABLE SRI JUSTICE A.V. SETHA SAI

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Date:06/10/2015

Circulation No.

Court Master: I s L