

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

WRIT PETITION No.26141 of 2015

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 5th Respondent/Investigating Officer in not concluding the Investigation and filing Charge Sheet in FIR No.451/2013 dt.14-07-2013 on the file of Machavaram Police Station, Vijayawada, Krishna District as improper, illegal and arbitrary besides being violative of Fundamental Rights Guaranteed to the Writ Petitioners under Articles 19, 21 and 300-A of the Constitution of India and consequently direct the Respondents No.2 to 5 herein to conduct thorough and comprehensive enquiry about the cheating, fraud, impersonation and forgery played by the Respondents No. 7 and 8 and others on the Writ Petitioner.”

Heard Sri S. Chakrapani, 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 25-08-2015 furnished by the Sub-Inspector of Police, Machavaram Police Station, Vijayawada have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“It is submitted that the petitioner herein had lodged a complaint on 14.7.2013 with the Station House Officer, Machavaram police station Vijayawada stating that her mother by name Naramamba @ Maddali Kamala Devi purchased residential house admeasuring 121.1/4 sq. yards, situated at Machavaram and thereafter constructed house with Assessment No.201185, D.No.31-10-15 and during the life time of her mother, her mother executed WILL in favour of the petitioner herein and her brother in the year 1998. But the petitioner's brother with malafide intention along with one Sattunuri Seetarama Laxmi created forged and fabricated document and also obtain loan on the said forged document. When the petitioner asked her brother, the petitioner's brother abused her in filthy language and thus he cheated the petitioner and also bank.

It is submitted that basing on the said complaint a case in

Cr.No.451/2013 dated: 14.07.2013 U/s. 419, 420 IPC was registered against the complainant's brother/7th respondent and said Sattunuri Seetarama Laxmi on the file of Machavaram police station, Vijayawada and investigation was taken up by examining six witnesses.

It is submitted that A-1 obtained anticipatory bail on 28.7.2013 vide CrI.M.P.No.1362/2013 and A-2 also obtained anticipatory bail on 2.2.2014 vide CrI.M.P.No.129/2014 before the Hon'ble Mahila Sessions Judge, Vijayawada.

As per the evidence and statements of the witnesses prima-facie case was established against the accused persons. The case was charge sheeted on 1.7.2014 vide CF.No.5007/2014 before the Hon'ble 1st Addl. Chief Metropolitan Magistrate, Vijayawada and the said charge sheet was returned with certain objection and after compliance the objections the charge sheet was filed on 16.09.2014 vide C.F.No.880/2014. It is submitted that again the said charge sheet was returned and after complying with the said objections on 24.08.2015 the charge sheet was filed vide C.F.No.6049/2015 before the Hon'ble 1st Addl. Chief Metropolitan Magistrate, Vijayawada."

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.

In view of the above, the writ petition stands disposed of, by recording the written instructions, dated 25-08-2015 furnished by the Sub-Inspector of Police, Machavaram Police Station, Vijayawada.

Miscellaneous Petitions pending, if any, shall stand closed.
There shall be no order as to costs.

A.V. SESA SAI, J

September 02, 2015

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