

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

WRIT PETITION No.25103 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 writ of mandamus declaring the inaction of the 4th respondent herein in not taking any action in furtherance of F.I.R. No. 216 of 2011, dated 18-08-2011, registered pursuant to the orders of the Hon'ble 1st Class Judicial Magistrate at Peddapalli, as illegal, arbitrary violative of provisions of the Criminal Procedure Code, Indian Penal Code and violative of Article 14 of the Constitution of India and to pass such other order or orders as may deem fit and proper in the circumstances of the case.”

2. When the matter is called today, written instructions dated 20.08.2015, furnished by the Station House Officer, Peddapalli Police Station, Karimnagar 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 on 18.08.2011 this respondent police station received a court referred complaint filed by the petitioner herein against the 5th respondent herein stating that the accused K.Dhananjaya Reddy i.e. 5th respondent herein with a malafied intention by using registration number and account of India Missions Hostel is using the funds which are deposited by the Western Countries in the FCRA Account and there by cheated and caused wrongful loss, therefore, requested to take necessary action. As per the directions of the Hon'ble JFCM Peddapalli, PSI registered a case in Cr.No.216 of 2011 U/s.417, 418, 464, 468 IPC, Sec.156(3) Cr.P.C. and took up the investigation. During the course of investigation the Investigation Officer secured

the presence of complaint examined and recorded his statement, he corroborated the contents of complaint. The incident is interlinked with management issues and money matters. To collect proper evidence addressed a letter to the complainant to furnish the documents concerned pertaining to the incident, the same was received from the complainant vide Lr.dated 14.07.2012. After perusing the documents and thorough enquiry came to know that the case is purely civil in nature, as such, the Investigation Officer addressed a requisition letter to the Sub-Divisional Police Officer, Peddapalli to accord permission to refer the case as "Civil in Nature" vide Cr.No.216/Crime-S1/2011-2012, dated 21.09.2012, in reply the Sub-Divisional Police Officer, Peddapalli issued Memo C.No.448-C/Closure/P/2012 dated 21.09.2012 permitted to close the case as Civil Nature as per the evidence collected during the investigation.

As per the above said memo the Investigation Officer submitted a final report dated 21.09.2012 in the Court of Hon'ble Judicial First Class Magistrate at Peddapalli. It is further submitted that pertaining to this issue a civil suit O.S.No.10 of 2011 is also pending before the Hon'ble JFCM, Peddapalli.

It is respectfully submitted the petitioner contended that the 4th respondent colluded with the 5th respondent and did not either proceed with the matter or kept the complaint under cold storage is denied, because this respondent put all effective efforts in the investigation and filed the final report in the JFCM, Peddapalli, as the matter pertains to civil nature police cannot able to proceed further in the matter. Further, due to transfer of investigation officer the notice might not be served to the petitioner.

This respondent (Jagan Mohan Sub-Inspector of Police, Peddapalli) have taken charge on 14.01.2015. After verification of the record this respondent came to know that the final report was not filed in the concerned court and also notice was not served to the petitioner. As such, this respondent will take necessary action in this regard and will address a letter to the higher authorities for grant of permission, after obtaining permission this respondent will file final

report after issuing notice to the petitioner.”

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 and also with a further direction to expedite the filing of final report before the concerned court.
4. In view of the above, writ petition is disposed of, by recording the written instructions dated 20.08.2015, furnished by the Station House Officer, Peddapalli Police Station, Karimnagar District and the respondent police authorities are also directed to expedite the filing of final report before the court concerned, in accordance with law.
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

21st September, 2015
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