

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

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WRIT PETITION No.30228 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 issue a writ, order or direction more particularly one in the nature of writ of Mandamus to declare the action of the respondent No.1 in interfering with the civil dispute and forcing the petitioner to bring the accounts books and settle the time barred civil dispute with the 4th respondent as arbitrary, illegal and beyond jurisdiction and violation of article 21 of the Constitution of India in the interest of justice

.”

2. When the matter is called today, written instructions dated 23.09.2015, furnished by the Sub Inspector of Police, Nawabpet Police Station, Mahabubnagar District, have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“It is submitted that A. Raja Rao, the 3rd Respondent herein filed a Private complaint against S.L.Kantha Rao, the Writ Petitioner herein on the file of Special JFCM, Mahabubnagar, under Section 200 of Cr.P.C. In the complaint, the 3rd Respondent stated that in the year 2006 he and the Writ Petitioner wanted to invest jointly in equal shares 6 lakhs each for doing contract works. It is an oral understanding. He wanted to be sleeping partner. That, they took sub-contract work of HVDS in APCPDCL (APSEI3) from SriRajyalakshmi Cement Products in the year 2007, for which the 3rd Respondent paid Rs.5,51,871/- and the Writ Petitioner said to have invested Rs.6,57,422/-. That, the Writ Petitioner on one pretext or the other postponing the finalization of accounts and distribution of profits, despite receiving amounts from the main contractor. That, he got issued a legal notice to the Writ Petitioner, but he did not respond to it. That, the Writ Petitioner dishonestly and fraudulently induced him to come and join as a member and misappropriated funds paid by him and also avoided payments in

order to cheat him and to cause wrongful loss to him and wrongful gain to him by adopting fraudulent means, thereby the Writ Petitioner has committed offence u/s 420 IPC and 406, 421 & 422 IPC. The Hon'ble Court referred the said complaint to Nawabpet PS, Mahabubnagar district for registering FIR and submission of report. It is submitted that the same was registered as FIR No.103/2015 u/s 420, 406, 421, 422 IPC, 156 (3) Cr.P.C. on 15.7.2015 and took up for investigation.

It is submitted that during the course of investigation, the 3rd Respondent was examined and recorded his detailed statement, on 16.7.2015. He corroborated with the contents of the FIR. Since the Writ Petitioner is a resident of Jaggaiahpet, Krishna district, he was contacted over phone, informed him the filing of Private Complaint by the 3rd Respondent and registration of FIR on reference by the Court, and asked him to appear before the Police along with documents to substantiate his version. The Writ Petitioner has not come to the Police Station so far. However, filed the present Writ Petition making allegations against the Police, which are all false, baseless and denied. It is submitted that the 1st Respondent Police have not directed the Writ Petitioner to settle the matter with the 3rd Respondent, as alleged in the affidavit. It is submitted that the Writ Petitioner filed the present Writ Petition with an intention prevent the Police from conducting further investigation into the crime. It is submitted that this is a Court referred case and report has to be submitted to the Court after examining the Writ Petitioner, for which he has to cooperate the Police. Therefore, it is prayed that this Hon'ble Court may be pleased to dismiss the Writ Petition.”

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

4. In view of the above, writ petition is disposed of, by recording the written instructions dated 23.09.2015, furnished by the Sub Inspector of Police, Nawabpet Police Station, Mahabubnagar 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

30th September, 2015

