

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.18848 of 2011

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ORDER:

The grievance of the petitioner in this case was that the police authorities were not conducting proper investigation to trace out his Tipper bearing No.AP16 TX 7827 and were not filing a final report before the Court under Section 173 Cr.P.C.

Relying on the written instructions dated 21.07.2015 received from the Sub-Inspector of Police, Krishnapatnam Police Station, Nellore District, the learned Assistant Government Pleader for Home informed this Court that upon the complaint of the petitioner made to the Station House Officer, Krishnapatnam Police Station, Nellore District, Crime No.26 of 2009 was registered on the file of the said Police Station under Section 379 IPC. The said complaint was in relation to the petitioner's Tipper bearing No.AP16 TX 7827 being stolen. However, upon due investigation, the police authorities found that there was no chance for commission of a theft of the petitioner's Tipper from the port bypass road near Krishnapatnam Port. The Sub-Divisional Police Officer, Nellore Rural, therefore accorded permission to refer the case as false, under proceedings dated 31.03.2010. Notice was stated to have been given to the petitioner/complainant on 01.04.2010 and a final report under Section 173 Cr.P.C. was filed referring the case as 'false' before the learned IV Additional Judicial First Class Magistrate, Nellore, under RCS.No.52/2010.

In the light of the afore-stated facts, it is clear that the grievance of the

petitioner as to the alleged inaction on the part of the police is without basis. In the event, the petitioner is aggrieved by the final conclusion arrived at by the police authorities, it is for him to take recourse to appropriate measure in accordance with law before the competent Court. Reserving liberty to the petitioner to do so, the Writ Petition is dismissed.

Pending miscellaneous petitions shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

29th JULY, 2015.

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