

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

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WRIT PETITION No.27654 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 pass an order, direction or writ more particularly one in the nature of writ of mandamus declaring the action of Official Respondents more particularly the Respondent No.3 in not taking any further steps/investigation in Crime with FIR No.163/2015 under Sections 448, 323, 506, R/w 34 of IPC pursuant to the Complaint lodged by the Petitioner against the Respondent Nos.5 & 6 for their illegal interference and trespass over the land admeasuring Ac.0.02 Cents in Sy.No.273, situated at Peercherla Village, Medikonduru Mandal, Guntur District, Andhra Pradesh of the Petitioner as it being illegal, arbitrary, unjustified and also in violation of principles of natural justice and consequently direct the Respondent No.3 to take further steps/investigation in the said Crime thereby to prevent the Respondent Nos.4 & 5 for their illegal interference and trespass over the above said land and pass such other and further orders which this Hon'ble Court deems fit and proper in the circumstances of the case and in the interest of justice.”

2. When the matter is called today, written instructions dated 04.09.2015, furnished by the Assistant Sub Inspector of Police, Medikonduru PS, Guntur Urban 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 one Sahik Alisha/the petitioner herein lodged compliant with the respondent police against one Pamulapati Haribabu, Pamulapati Venkateswra Rao / 4th , 5th respondents respectively stating that, they trespassed into the house of the complainant/ the petitioner Shaik Alisha and his mothers out of the house and beat them with hand warned them to vacate the house site and threatened them with dire consequences with common intention,

hence requested to take necessary action.

Basing on the above said complainant a case in Cr.No.163/2015 U/Sec.448,323,506 r/w 34 IPC of Medikonduru Police Station. The investigation officer took up the investigation, during the course of investigation 5 witness were examined and recorded their statements. And visited the scene of offence and prepare draft rough sketch. It is further submitted that during investigation prima-facie was made out against the accused 1 to 2 , and the investigation is completed. Hence the respondent police served 41-A Cr.P.C. notices on 29.07.2015 to the accused/Pamulapati Haribabu, Pamulapati Venkateswra Rao/ 4th , 5th respondents, charge sheet was filed before the Hon'ble 5th Additional Junior Civil Judge Court Guntur vide C.C. No. 438 2015 dt.12.08.2015."

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.

4. In view of the above, writ petition stands disposed of, by recording the written instructions dated 04.09.2015, furnished by the Assistant Sub Inspector of Police, Medikonduru PS, Guntur Urban 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

04th September, 2015

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