

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

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WRIT PETITION No.31146 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 or Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents No.2 to 4 in not taking any action basing on F.I.R No.100/2014, dated 12-3-2014 as against the respondent no.5 is nothing but illegal, arbitrary and violative of Article 14, 19 and 21 of the Constitution of India and also the provisions of the criminal procedure code and consequently direct the respondent no.1 to take the necessary Action against the respondent no.5 and his men basing on F.I.R No.100 of 2014, dated 12-3-2014 on the file of the Medchal Police Station and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of Justice and to pass

.”

2. When the matter is called today, written instructions dated 29.09.2015, furnished by the Sub Inspector of Police, Medchal, Police Station, Cyberbad Commissionerate, Ranga Reddy 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 R. Surya Narayana/the petitioner herein lodged complaint with the respondent police against one S.Ganapathy/5th respondent herein stating that he is the owner of R.S.

Industries situated at Medchal Industries area. Due to financial problems the petitioner above said Ganapathy/5th respondent supplied factory machinery the worth of Rs.5 lakhs to the petitioner in year of 2007. Thereafter the aid industry was lockout as such the petitioner requested the 5th respondent to give some time to pay the balance amount, then the said Ganapathy was agreed. And meanwhile the above said Ganapathy along with 20 members threatened the petitioner to obtain his signatures on blank paper of Rs.20/- stamps

paper and the petitioner herein also issued blank cheque of Rs.1,64,800/- as full and finance settlements and he also attacked the petitioner's industry and took away all the machinery loading to a big lorry. Hence the petitioner's son wanted to settle the matter, but the said Ganapathy bet him badly for which he admitted in to the hospital, hence requested to take necessary action.

Basing on the complaint a case in Cr. No.100/2014 registered U/Sec.447,384,506,379,323 r/w 34 IPC, and the investigation officer took up the investigation. During the course of investigation some witness examined and recorded their statements. It reveals that the petitioner and the 5th respondent were friends and business partners. Due to difference raised between them the said company has been seized and by the sales tax authorities. For which the petitioner purchased the machinery company which belongs to the accused for Rs.5 lakhs. But the petitioner herein did not paid and postponed to pay the said amount. Later he executed an agreement one RS 20/- non judicial bond paper to the 5th respondents, in which he agreed to pay the amount otherwise the 5th respondent can take over his property. Hence the 5th respondent loaded the machinery in presence of the petitioner's sons not taken the machinery forcibly as alleged by the petitioner/complainant.

Hence the case was referred as Mistake of Facts as per the orders of Superior Authorities. The final report will be filed as soon as possible."

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 and with a liberty to the petitioner herein to avail remedies available under the provisions of Criminal Procedure Code.

4. In view of the above, writ petition is disposed of, by recording the written instructions dated 29.09.2015, furnished by the Sub Inspector of Police, Medchal, Police Station, Cyberbad Commissionerate, Ranga Reddy District and with a liberty to the petitioner herein to avail remedies available under the provisions of Criminal Procedure Code.

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

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