

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

WRIT PETITION No.18141 of 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, for the following relief:

“Issue a writ order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the Respondents Nos 4 and 5 in not taking any action on the respondent No.6 in crime No 129/2014 dated 27-08-2014 on the file of the 5th respondent Police station and subsequently withdrawing police protection from 12-06-2015 onwards as illegal, arbitrary violative of principles of natural justice and against article 14, 16 and 19 (1)(g) and 21 of the constitution of India and consequently direct the respondents No. 3 to 5 to dispose of the Criminal Case No 129/2014 dated 27/08/2014 against Respondent No. 6 by continuing police protection.”

2. Heard Sri K.Satyanarayana Murthy, learned counsel for the petitioner and the learned Government Pleader for Home for the respondents 1 to 5.

3. Today, when the matter is taken up, the learned Government Pleader for Home has placed on record the written instructions dated 03.07.2015 furnished by the Sub-Inspector of Police, Prathipadu Police Station, East Godavari District and according to the same one P.Padmaraju lodged a complaint on 27.08.2014 stating that the 6th respondent herein wrongfully restrained the lorries of the complainant and threatened the complainant with dire consequences. It is further stated in the said instructions that basing on the said complaint Cr.No.129/2014 dated 27.08.2014 for the alleged offences under Sections 341 and 506 IPC was registered on 27.08.2014 against the sixth respondent and investigation was taken up and four witnesses were examined and the witnesses did not support the version of the complainant. It is also stated in the said instructions that the Sub-Divisional Police Officer, Peddapuram accorded permission to refer the

case as false vide C.No.506/RC/SDPO-P/26-9-14, dated 28.11.2014. It is also stated that after serving the notice to the complainant final report as false was filed on 30.11.2014 before the Court of the Judicial First Class Magistrate, Prathipadu. It is also stated that it is always open for the petitioner to file protest petition before the Court wherein the final report is pending consideration.

4. On noticing the said instructions furnished by the learned Government Pleader, it is submitted by the learned counsel for the petitioner that the said instructions may be recorded and the writ petition can be disposed of.

5. In view of the above reasons, the writ petition is disposed of, by recording the said instructions dated 03.07.2015 furnished by the Sub-Inspector of Police, Prathipadu Police Station, East Godavari District. The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand disposed of. There shall be no order as to costs.

A.V.SESHA SAI, J

Date:08.07.2015
grk

WRIT PETITION No.18141 of 2015

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Dated 08th July, 2015

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

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Dated 08th July, 2015

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Between:

M/s. Maheswari Minerals,
Regd No. 1251/2004,
1-1-371, Kondayyapalem, Gangeyuluvari Street,
Near Nookamma Temple,
Kakinada, East Godavari District,
Andhra Pradesh represented by its Managing partner,
S.Lakshmana Reddy s/o late Somasudner Reddy.

... Petitioner

and

The State of Andhra Pradesh,
Represented by its Principal Secretary,
Department of Home,
A.P. Secretariat, Hyderabad.

... Respondents