

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

WRIT PETITION No.23617 of 2015

ORDER:

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

“to issue writ of Mandamus to declare the action of respondents in not registering the crime on the petitioner's complaint dated 07.08.2012 on the file of 3rd respondent as illegal, irregular, irrational, amounts to non discharge of legal obligation conferred on them under the provisions of Code of Criminal Procedure, 1973 and offends articles 14 and 21 of Constitution of India and consequently direct the 3rd respondent to register the crime and prosecute the accused persons for appropriate offences and penal provisions of law.”

Heard Sri Srinivas Ambati, learned counsel for the petitioner and learned Government Pleader for Home for respondents, apart from perusing the material available before this Court.

Today, when the matter is called, written instructions, dated 05-08-2015 furnished by the Sub-Inspector of Police, Etcherla Police Station, Srikakulam District have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“Basing on the said complaint the Station House Officer Etcherla police station issued receipt to the petitioner herein on 7.8.2012 vide R.P.No.109/2012.

It is further submitted that again the petitioner herein submitted a representation to the Superintendent of Police, Srikakulam with the earlier contents and the same was endorsed to the Station House Officer for enquiry vide NRC No. 4310/G2/2012 dated: 8.8.2012. The enquiries revealed that there was a civil dispute between the petitioner and the said Byreddy Bangaru Reddy and others. As the matter relates to civil in nature hence the Station House Officer has not registered the FIR.

It is submitted that since there was a civil dispute between the petitioner and the said Byreddy Bangaru Reddy and others and the petitioner lodged the complaint in the year 2012 with the Station House Officer and further the petitioner also submitted representation to the Dist. Collector, Srikakulam.

It is submitted that in respect of trespassing of the said Byreddy Bangaru Reddy and others, the petitioner has to file civil suit and obtain interim injunction order against the said persons with regard to the said property, hence the respondent police advised the petitioner to approach the civil court and obtain an appropriate orders. The petitioner herein instead of approaching the civil court tiled the present writ petition to direct the respondent police to register his complaint dated: 7.8.2012.

It is respectfully submitted that the writ petition is devoid of merits and liable to be dismissed.

It is respectfully submitted that the respondents police shall obey the direction if any passed by this Hon'ble Court.

It is submitted that all the other allegations leveled against the respondents police are incorrect, baseless and have been created for the purpose of filing the present writ petition."

On noticing the above said instructions, learned counsel for the petitioner has requested this Court to record the said instructions and close the writ petition.

In view of the above, the writ petition stands disposed of, by recording the written instructions, dated 05-08-2015 furnished by the Sub-Inspector of Police, Etcherla Police Station, Srikakulam District.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. There shall be no order as to costs.

A.V. SESA SAI, J

August 10, 2015

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