

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

TUESDAY THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 28941 OF 2015

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Between:

S. Swara Supraveena ... Petitioner

Vs.

State of Andhra Pradesh

Rep.by its Prl.Secretary,

Industries & Commerce Department

Secretariat, Hyderabad & Ors. ... Respondents

Counsel for the Petitioner: Sri Penumaka Venkata Rao

Counsel for the Respondents: GP for Home [AP R1 to R3

Sri B.S. Prasad for R-4

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 28941 OF 2015

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ORDER:

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

“To declare the action of third respondent in not registering the FIR basing on the petitioner’s complaint dated 27/8/2015 as illegal,

arbitrary and violation of the provisions of Code of Criminal Procedure and consequently to direct the third respondent to register FIR and conduct investigation into the offences in the complaint and to pass such other suitable orders as this court may deems fit and proper in the circumstances of the case.”

2. Heard Sri Penumaka Venkat Rao, learned counsel for the petitioner, learned Government Pleader for Home for Respondents 1 to 3 and Sri B.S. Prasad, learned standing counsel for the fourth respondent.

3. When the matter is called, written instructions dated 05/10/2015 furnished by the Assistant Sub-Inspector of Police, Nellore Rural Police Station, SPSR Nellore district has been placed on record by the learned Government Pleader for Home.

4. The written instructions reads as under:

It is respectfully submitted that the contents of the petitioner is that one Swarna Supraveena/the petitioner herein stated that she availed loan of Rs.10,00,000/- from the State Bank of India, Alipuram Branch, Nellore city by mortgaging paint industry. She paid Rs.11 lakhs after taking the loan from the bank but the bank is demanding to pay Rs.22 lakhs without giving any details and threatening to the petitioner in illegal manner. After lapse of one and half year the bank furnished the details of statement after repeated representation made by the petitioner and the bank imposed Rs.4,20,000/- as illegal charges and mentally harassing the petitioner by promising to give opportunity of one time settlement. Hence, the petitioner also filed OS.No. 270 of 2015 before the I-Addl.Senior Civil Judge, Nellore against the bank seeking to settle the issue as to rate of interest and loan amount, hence requested to take necessary action.

It is submitted that as of now the respondent police did not receive any complaint from the petitioner. It is also submitted that even the material paper also is not bearing any signature or stamp of police station, thus the allegations are denied. It is submitted that as and when the respondent police will receive any complaint from the

petitioner, the respondent police will take steps to register the complaint as per law.

The respondent police will obey the directions, if any, passed by this Hon'ble court."

5. On noticing the same, the learned counsel for the petitioner has requested this court to dispose of the writ petition by recording the said written instructions.

6. In view of the above, the writ petition is disposed of by recording the above instructions furnished by the Assistant Sub-Inspector of Police, Nellore Rural Police Station, SPSR Nellore district, while keeping it open for the petitioner herein to submit a complaint to the respondent police and if any such complaint is filed the same be dealt with in accordance with law No costs

7. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE A.V.SESHA SAI

06/10/2015

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HONOURABLE SRI JUSTICE A.V. SETHA SAI

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Court Master: I s L