

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

WRIT PETITION No.26651 OF 2015

ORDER:

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

“to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents 3 and 4 frequently calling the petitioner and her sons is illegal, arbitrary and against law and consequently direct the 3 and 4 respondents not to harass the petitioner and her son, and pass such other order or orders may deem fit and proper in the circumstances of the case.”

2. When the matter is called today, written instructions dated 28.08.2015, furnished by the Sub Inspector of Police, Kadapa Taluq Police Station, Kadapa District, have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“It is submitted that the 5th respondent herein lodged a complaint on 25.6.2013 with the Station House Officer, Kadapa Taluq police station, stating that the petitioner's husband by name P.Sreenivasulu and 2 others deceived the complainant and received Rs.40.lakhs. Thus the petitioner's husband and others cheated the complainant. The complainant requested the police to take necessary action.

It is submitted that basing on the said complaint a case in Cr.No.129/2013 dated: 25.6.2013 U/s.120-B, 406, 420 r/w 34 IPC has been registered against the petitioner's husband by name P.Sreenivasuiu and 2 others on the file of Kadapa Taluq police station and investigation has been taken up.

During the course of investigation as many as seven (7) witnesses have been examined and recorded their detailed statements and it revealed that the petitioner and her son by name Palle Sivasankar

Reddy also involved in the said offence, hence their names also fixed as A-4 and 5.

It is submitted that for the purpose of investigation the respondents police visited the house of the petitioner herein at the given address to apprehend them for the purpose of investigation, instead of cooperating with the investigating agency, the petitioner filed the above writ petition with baseless allegations.

It is submitted that on 25.6.2013 A-2, A-3 and on 2.12.2013 A-1/petitioner's husband were arrested and sent to judicial custody. After finalizing the investigation an appropriate report will be submitted before the Hon'ble concerned court in accordance with law.

It is submitted that the contention of the petitioner that the respondents police without any reason and without any complaint against the petitioner and her elder son with the influence of the 5th respondent/complainant in FIR.No.129/2013, influence the police and made the police to harass the petitioner and her son is false, hence denied. It is submitted that as per the evidence the petitioner and her son are required for the purpose of investigation.

The petitioner herein to escape from the criminal liability of the above case filed the above writ petition with baseless allegations. It is respectfully submitted that the other allegations leveled against the respondents police are false, hence denied.

It is respectfully submitted that only to divert the attention of the investigating agency filed the present writ petition with baseless allegations.

It is further submitted that the petitioner herein also filed W.P.No.31327/2014 and sought for a directions against the Rayachoti Rural police, Kadapa District not to harass the petitioner and her family members. In the said writ petition she alleged that her husband also involved in Cr.No.378/2013 U/s.120-B, 406, 409, 420 r/w. 34 IPC on the file of Rayachoti police station herein.

The writ petition devoid of merits and liable to be dismissed.”

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 28.08.2015, furnished by the Sub Inspector of Police, Kadapa Taluq Police Station, Kadapa 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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