

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

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WRIT PETITION No.20132 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 an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No.3 in interfering with the personal life and liberty of the petitioners at the instance of respondent No.4 under the guise of investigation relating to Crime No.128 of 2015 on the file of the Vijayawada City I Town Police Station, Vijayawada, Krishna District, registered against husband of petitioner No.1 as arbitrary, illegal, colourable exercise of power and violative of fundamental rights guaranteed to the petitioners under articles 14, 19 and 21 of Constitution of India and consequently direct the respondent No.3 not to interfere with personal life and liberty of the petitioners and pass such other order or orders as are deemed fit and proper in the circumstances of the case.”

2. When the matter is called today, written instructions dated 08.07.2015 furnished by the Sub Inspector of Police, Vijayawada I Town Police Station, Vijayawada City, have been placed on record by the learned Government Pleader for Home. In the said instructions, it is stated as follows:

“It is submitted that on 01.06.2015 the 4th respondent-Paila Srinivasa Rao lodged a complaint with the Station House Officer, Vijayawada I Town Police Station, stating that he is running gold and silver business in I Town Sivalayam Street, Vijaya Banu complex in shop No.16. The 1st petitioner's husband by name Yamaka Satyanarayana working as clerk in the said shop since 1 ½ years. In the absence of the complainant, the husband of the 1st petitioner herein cheated and misappropriated 51.6 kgs of silver and net cash of Rs.10 lakhs of the complainant and also from another shop of Moon Silver

50.6 Kgs. The complainant requested the police to take necessary action.

Basing on the said complaint, a case in Cr.No.128/2015, dated 01.06.2015 u/s.406, 420 IPC has been registered against the 1st petitioner's husband on the file of this respondent police station and investigation has been taken up by the Sub Inspector of Police.

It is respectfully submitted that during the course of investigation the complainant and three witnesses were examined and recorded their detailed statements. It is submitted that since the date of commission of offence the 1st petitioner's husband/accused is absconding. This respondent tried to apprehend the accused, but invain. However sincere efforts are being continue to apprehend the accused.

The contention of the petitioners that the 3rd respondent-Circle Inspector of Police, Vijayawada I Town police station interfered with the personal life, liberty of the petitioners at the instance of the 4th respondent- Paila Srinivasa Rao and detained them in the police station five days under the guise of investigation in the above FIR is false, hence denied. All the other allegations made against the official respondents herein are false, baseless and hence the same are hereby denied. Hence the writ petition deserves no consideration.

It is respectfully submitted that the matter is under investigation. After completion of investigation an appropriate report will be filed before the concerned Hon'ble Court as expeditiously as possible."

3. On noticing the said instructions, learned counsel for the petitioner has requested this court to record the said instructions and close the writ petition.
4. In view of the above reasons, writ petition stands disposed of, by recording the written instructions dated 08.07.2015 furnished by the Sub Inspector of Police, Vijayawada I Town Police Station, Vijayawada City.
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

05th August, 2015
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