

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

TUESDAY THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 29300 OF 2015

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Between:

Nandiraju Badri Narayana Rao ... Petitioner

Vs.

The State of Andhra Pradesh
Rep. by its Prl Secretary,
Home Department
Secretariat,
Hyderabad & Anr ... Respondents

Counsel for the Petitioner: Sri G. Ravi Mohan

Counsel for the Respondents: GP for Home [AP]

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 29300 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 the third respondent in not initiating any action against the second respondent and not investigating into the matter in respect of FIR.No. 107/2014 dated 12/09/2014 as illegal, arbitrary and unjust and consequently to direct the third respondent to initiate action against the second respondent in pursuance of FIR.No.107/14 dated 12/09/2014 and to pass such other suitable orders as this court deems fit and proper in the circumstances of the case.”

2. When the matter is called, written instructions dated 14/09/2015 furnished by the Sub-Inspector of Police, Narasaraopet I-Town Police Station, Guntur Urban District have been placed by the learned Government Pleader for Home.

3. The written instructions, reads as under:

“It is respectfully submitted that one Nandiraju Badari Narayana Rao/the petitioner herein purchased an extent of land 146.85 sq.yards of house site comprised in survey No.316/1 of Kesanupalli village, Narsaraopet Mandal, Guntur district by his wife's name and also purchased an extent of 146.85 sq.yards of house site in D.No. 317/1 of Kesanupalli village, Narsaraopet Mandal, Guntur district by his brother's name and he shifted

to Hyderabad for his childrens education.

It is further submitted that recently he came to Narsaraopet on 02/7/2012 and approached some land brokers for sale of the above said two properties and through them he came to know that some culprits created sale deed dated 11/01/2011 in respect of the above said two properties as if the vendors under the above said created document are his wife and his brother by impersonation by colluding with the alleged vendee, attestors and scribe. After death of the brother of the petitioner, the petitioner obtained the copy of the above said created sale deed and also created ration cards in the name of petitioner's wife and brother and cheated the petitioner. Hence, the petitioner approached the concerned police and lodged complaint.

Basing on the complaint, a case in Cr.No.107/2014 under section 420, 468, 471 IPC of Narsaraopet I-Town Police Station. The investigation officer took up the investigation. During the course of investigation, eight witnesses were examined and recorded their statements and some more witnesses have to be examined. The accused was absconding. It is further submitted that documents have to be collected. After completing the investigation, the respondent police will take steps to file final report before the competent appropriate court.

As per the writ contents, there is a dispute in respect of registration to third parties by the accused but the petitioner without availing the remedy to cancel sale deed before the competent civil court, he approached respondent police, the police registered a case and conducted enquiry in respect of the forgery and fabricated documents are concerned. But the respondent police are not an authority to decide that who is the land owner. Hence, the respondent police confine the documents are fabricated or not."

4. 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 and with a further direction to the respondent police authorities to expedite the process of investigation.

5. In view of the above, the writ petition is disposed of by recording the reasons mentioned in the written instructions, dated 14/09/2015 furnished by the Sub-Inspector of Police, Narsaraopet I-Town Police Station, Guntur Urban district and the respondent police authorities are directed to expedite the process of investigation.

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

JUSTICE A.V.SESHA SAI

15/09/2015
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HONOURABLE SRI JUSTICE A.V. SESHAI SAI

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