

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

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WRIT PETITION No.11081 OF 2012

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ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue appropriate Writ, order or direction more particularly one in the nature of Writ of mandamus declaring the inaction of the respondents 3 not to investigating the Crime No.60 of 2010, Crime No.61 of 2010 only investigating the Crime No.48 of 2010 which was complained by the respondent No.4 is showing discrimination, illegal, arbitrary, unsustainable and violative of Article 14, 19 and 21 of the Constitution of India and well established principles of natural justice in the interest of justice and pass such other order or orders as this Hon'ble Court may deems fit and proper.”

2. Written instructions dated 21.04.2012 furnished by the Station House Officer, Srikalahasti Police Station, have been placed on record by the learned Government Pleader and the said instructions reads as under:

“1. It is submitted that, on the private complaint of the 3rd petitioner/Kukka Ramachandraiah a case in Cr.No.60/2010 U/s. 167 IPC r/w. 156 (3) Cr.P.C. had registered on 9.7.2010 against G.Vijayakumar,

Sub-Inspector of Police, Srikalahasti Rural P.S. as accused on the file of the SHO Srikalahasti P.S. During the course of investigation the complainant/

3rd petitioner herein had examined as Lw-1 and recorded his detailed statement.

The investigation had revealed that, this is a false case foisted against the accused with false and frivolous allegations. After obtaining permission

from the SDPO Srikalahasti vide C.No.194/SDPO-K/10 dated: 31.7.2010, the final report has been filed on 31.7.2010 as “FALSE” before the Hon'ble Addl. Jr. Civil Judge, Srikalahasti, Chittoor District.

2 . It is submitted that, on the private complaint of the 1st

petitioner/Kuntrapaku Surendra Babu a case in Cr.No.61/2010 U/s. 447, 427, 166, 149 IPC r/w.156(3) Cr.P.C. had registered on 9.7.2010 against

1)4th respondent herein/Sri. Rajasekhar, the then Tahsildar, Srikalahasti Mandal 2) 5th respondent/ Sri.G.Subramanyam, the then Mandal Surveyor, Srikalahasti 3) 6th respondent/G.Vijayakumar, Sub-Inspector of Police, Srikalahasti Rural P.S.

4) G.Kameshwr Alias Kamesh 5) shaik Chan basha

6) N.Prabhakar Reddy 7) K.Guravaiah @ Gunnaiah

8) B.Chenchu Munaiah 9) Kalapati Manohar 10)Chenchu Manohar Prasad Reddy as A-1 to A-10, on

the file of the SHO Srikalahasti P.S. During the course of investigation as many as six witnesses had examined and recorded their detailed statements.

The investigation had revealed that, this is a false case foisted against the accused with false and frivolous allegations. After obtaining permission from the SDPO Srikalahasti vide C.No.195/SDPO-K/10 dated: 31.7.2010, the final report has been filed on 31.7.2010.

3. It is submitted that, on the report of the Tahsildar, Srikalahasti Mandal a case in Cr.No.48/2010 U/s. 447, 434, 427 r/w.34 IPC has been registered on 8.6.2010 against 1)Kuntrapau surendra/1st petitioner

2) Venkatadari/2nd petitioner 3) K.Ramachandraiah/

3rd petitioner and 4) Minchala Rajaiah as A-1 to A-4 on the file of the SHO Srikalahasti P.S. During the course of investigation as many as six witnesses have examined and their detailed statements were recorded.

It is submitted that, A-1 to A-4 filed quash petition and the Hon'ble High Court by orders dated: 16.6.2010 in CrI.P.No. 4973/2010 has stayed all further proceedings including the arrest of the accused.

Due to the said interim order the investigation in Cr.No.48/2010 is stayed."

3. In view of the above written instructions, this Court is of the considered opinion that nothing survives for adjudication further in the present writ petition. Accordingly, the Writ Petition is closed. However, the petitioners herein are at liberty to avail remedies as per law.

4. 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

22.12.2015

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