

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

THURSDAY THE TWENTYSEVENTH DAY OF AUGUST
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 25506 OF 2015

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Between:

Ramanaiah C.H. ... Petitioner

V/s.

The State of A.P.
Rep.by its Prl.Secretary
Home Department,
Secretariat, Hyderabad & Ors. ... Respondents

Counsel for the Petitioner: Sri V.Sivaprasasd Reddy

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. 25506 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 respondents in not conducting proper investigation and not filing charge sheet in FIR.No. 07 of 2013 dated 07/1/2013 registered on the file of fifth respondent police station as illegal, arbitrary and unconstitutional and consequently to direct the fifth respondent to conduct and complete the investigation as early as possible and apprehend the accused in the said crime and to pass such other suitable orders as this court may deems fit and proper in the circumstances of the case.”

2. When the matter is called, written instructions dated 24/8/2015 furnished by the Station House Officer, IV-Town Police Station, Nellore Town and district have been placed by the learned Government Pleader for Home.

3. The written instructions, reads as under:

“ It is respectfully submitted that the petitioner herein filed a private complaint u/s 200 Cr.P.
C. on the file of Hon’ble Court of V Additional Judicial First Class Magistrate, Nellore stating that he purchased TATA Indigo XL Grand Car on 31/12/20098 from MG Brothers Automobiles Showroom, Dasrgamitta, Nellore under hypothecation bearing invoice No. NGBro-809 - 01048, chasis No. 609252ASZP17673 and Engine No. 475SI50ASZP08680. Later the said show room arranged finance from TATA Motors Finance and

insured the said vehicle by Reliance Motor Insurance Company. But the said company intentionally kept silent the year of manufacturing date of vehicle, used them as genuine believed him it is 2008 model vehicle and sold him 2007 model instead 2008 model which is manufacturing defective. Thus the said company suppressed the said facts. The petitioner also approached the Hon'ble Consumer Forum and it is pending for disposal vide CC.No.4/2011.

It is respectfully submitted that upon receipt of the above private complaint, the Hon'ble court forwarded to this respondent police station for investigation and report u/s 156 (3) Cr.P.C. ON receipt of the private complaint from Hon'ble court, a case in Cr.No.07/2015 dated 07/1/2015 under sections 192, 420, 218, 384, 380, 409, 465, 471 read with section 34 IPC and 156 (3) Cr.P.C. has been registered against the said company on the file of IV Town Police Station, Nellore Town and district and investigation has been taken up.

It is submitted that during the course of investigation, the complainant and two witnesses were examined and recorded their detailed statements.

It is submitted that all the accused are absconding. Sincere efforts are being continued to apprehend them for the purpose of investigation. The matter is under investigation for want of examination of some more witnesses and collection of relevant more documents. It is submitted that after receiving the relevant documents from TATA motors, examination of witnesses and arresting of accused persons, the investigation will be finalized and a final report will be submitted before the concerned Hon'ble court, as expeditiously as possible."

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.

5. In view of the above, the writ petition is disposed of by recording the reasons mentioned in the written instructions, dated 24/8/2015. No costs.

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

JUSTICE A.V.SESHA SAI

27/08/2015
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HONOURABLE SRI JUSTICE A.V. SETHA SAI

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WRIT PETITION NO. 25506 OF 2015

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