

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF APRIL
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.7177 of 2015

BETWEEN

Nidadavolu Suribabu

... PETITIONER

AND

The State of Andhra Pradesh, rep. by its Principal Secretary, Home Department, and others

...RESPONDENTS

The Court made the following:

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ORDER:

Heard.

2. Petitioner, who is aged 67 years and is a Masonary Labour Contractor, filed a complaint before the Court of Judicial Magistrate of First Class, Narsapur against respondent Nos.4 to 7. It is alleged in the complaint that on the request of respondent Nos.4 to 7, who are owners and partners of the site at Rajiv Nagar, for providing labour for construction of a college by name Narsapur Institute of Technology (Engineering College) at Lakshmaneswaram Village, petitioner had provided labour and made the construction, as aforesaid. It is stated that petitioner was paid an advance amount of about Rs.12 lakhs on 29.07.2011, but thereafter respondent Nos.4 to 7 failed to pay the remaining balance and they are, so far, due to a total sum of

Rs.11 lakhs, for which petitioner claims that respondent Nos.4 to 7 have cheated him. The said complaint of the petitioner was forwarded to the Station House Officer, Narsapuram Rural Police Station, respondent No.3 and the same was registered as a case in crime NO.4 of 2015. Alleging in action on the part of respondent No.3 in not conducting investigation, in collusion with respondent Nos. 4 to 7, the present writ petition is filed.

3. Instructions of the learned Government Pleader, however, show that after registration of crime, seven witnesses have been examined, but the investigation reveals that the complaint of the petitioner is of civil nature. Hence, the Sub-Divisional Police Officer accorded permission to respondent No.3 dated 22.01.2015 to refer the case as civil case. Accordingly, a report is being filed before the Court of Additional Judicial Magistrate of First Class, Narsapur.

4. It is evident from the above, that the investigation in the aforesaid crime is already completed and final report is being filed. Notice of the said final report, if not served on the petitioner, the same would be served and only thereafter the final report will be considered by the learned Magistrate. Since the investigation is already completed, no further orders are necessary in this writ petition except giving liberty to the petitioner to receive the final report and to file objections, if any, to the said final report before the concerned jurisdictional Magistrate, who would consider the same and then take appropriate decision in the matter.

Writ petition is, accordingly, disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

April 2, 2015

Lmv