

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

WRIT PETITION No.3574 OF 2015

ORDER:

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

“.. to issue an order or direction more particularly in the nature of Writ of mandamus by declaring the inaction of the 3rd respondent, for not taking any action against the 4th respondent, by closing the F.I.R.No.168 of 2012 by saying that registration of said crime is mistake of fact which is illegal, arbitrary and capricious and against the provisions of Criminal Procedure Code and consequently direct the 3rd respondent to do further investigation in Crime No.168 of 2012 on the file of P.S. Rajahmundry and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Today, when the matter is called, written instructions furnished by the Inspector of Police, I Town L & O Police Station, Rajahmundry, to the learned Government Pleader for Home are placed on record, enclosing a copy of the final report filed by the Inspector of Police. In the said written instructions, it is stated that the case was referred as mistake of fact on 29.09.2012 as per the orders of the Deputy Superintendent of Police, Central Zone, Rajahmundry, in C.No.275/DSP-CZ/RJY/2012, dated 30.09.2012 and the final report was filed in the Court of Additional Judicial First Class Magistrate, Rajahmundry, vide S.R.No.2191/2015 on 04.03.2015.

In view of the said instructions, keeping it open to the petitioner herein to avail the remedies available to him before the Court below, the Writ Petition is closed. There shall be no order as to costs.

The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

15.07.2015
KH

A. V. SESA SAI, J