

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

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WRIT PETITION No.24004 OF 2015
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ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue Writ order or direction more particularly one in the nature of Writ of Mandamus directing the Respondents 2 and 3 herein to register the complaint and file charge sheet against the 4th respondent and his henchmen and pass such other order or orders as this Hon'ble Court may deem fit and proper as in the circumstances of the case and in the interest of Justice.”

2. When the matter is called today, written instructions dated 17.08.2015 furnished by the Assistant Sub Inspector of Police, Amaravathi Police Station, Guntur Rural District, have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“It is submitted that the Station House Officer, Amaravathi police station, Guntur Rural District received the petitioner's complaint through the Superintendent of police, Guntur Rural District vide C.No.1187/G2/2015 dated: 14.7.2015 and C.No.373/SDPO-SPL-/15 dated:19.07.2015 of Sub Divisional Police Officer, Sattenapalli for enquiry and necessary action.

The sum and substance of the complaint was that the petitioner had the land admeasuring Ac.5.55 cents at Pdamadduru village by separating Circar Donka. The petitioner raised jam oil plants 5500 in numbers and cropped up at a height of about 30 to 35 feet. On 28.6.2015 he surprised his land and found oil plants were burnt. He learnt He learnt that his brother-in-law indulged in causing damage to his oil plants the cost of the said plants worth Rs.5.lakhs. The petitioner further mentioned that there was a civil suit in

O.S.No.1117/2010 is pending before the Hon'ble Civil Court at Sattenapalli and MAN 123/2010 is pending before the Senior Civil Judge at Senior Division, at Pune which is also pending. Further on the complaint of the 4th respondent Repala Srinivasa Rao a case in Cr.No.114/2011 U/s. 324 r/w. 34 IPC was registered against the petitioner and his wife on the file of Amaravati police station and the case ended in conviction vide CC. No. 140/2011 before the Hon'ble II Addl. Judicial Magistrate of First Class, Sattenapalli. Further on the complaint of the petitioner herein a criminal case was registered against the 4th respondent Repala Srinivasa Rao and the case ended in conviction on 11.6.2014 vide C.C.No.35/2012 before the Hon'ble II Addl. Judicial Magistrate of First Class, Sattenapalli. Both parties are went up to conviction.

It is submitted that pursuant to the said endorsement the Sub Inspector of Police, Amaravathi enquired the matter in detail and revealed that the property of the petitioner herein is involved in the above civil suits. As the matter relates to civil in nature, hence the respondent police suggested the police to approach the Hon'ble Civil Court for redressal.

As stated above two criminal cases and civil suit are filed between the petitioner and the 4th respondent herein with regard to the above said land. Hence there was no need to register fresh FIR with regard to the same issue.

It is respectfully submitted that all the other allegations made against the official respondents herein are false, baseless and hence the same are hereby denied."

3. On noticing the said written instructions, learned counsel for the petitioner has requested this court to dispose of the writ petition by recording the said instructions with a liberty to the petitioner herein to approach the concerned jurisdictional magistrate for redressal of the grievance of the petitioner.

4. For the aforesaid reasons, writ petition is disposed of, by recording the written instructions dated 17.08.2015 furnished by the

Assistant Sub Inspector of Police, Amaravathi Police Station, Guntur Rural District and with a liberty as sought by the learned counsel for the petitioner.

5. 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

26th August, 2015

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