

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

WRIT PETITION No.30805 of 2015

ORDER:

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

“to issue writ of Mandamus to declare the action of the Station House Officer, IV Town Police Station, Nellore, S.P.S.R. Nellore District, the 5th respondent herein in not proceeding and completing the investigation in Crime No.141/2013 of IV Town Police Station, Nellore, S.P.S.R. Nellore District is arbitrary, illegal, without jurisdiction and consequently direct the respondents 1 to 5 to proceed and complete the investigation in Crime No.141/2013 of IV Town Police Station, Nellore, S.P.S.R. Nellore District.”

Heard Sri Ch.C. Krishna Reddy, learned counsel for the petitioner and learned Government Pleader for Home for respondents, apart from perusing the material available before this Court.

Today, when the matter is called, written instructions, dated 16-10-2015 furnished by the Sub-Inspector of Police, IV Town Police Station, S.P.S.R. Nellore District have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“... ..

The investigation officer took up the investigation, during the course of investigation the respondent police examined the 6 witnesses and recorded their statements. During the investigation it reveals that the complainant/the petitioner in this writ petition purchased residential flat from A1/R6 i.e., Yellam Suresh Kumar under sale deed a tune of Rs.13 lakhs. At the time of sale deed the petitioner paid Rs.3 lakhs and remaining Rs.10 lakhs did not paid hence, the petitioner asked to repay the amount but A1 denied to pay. It is also submitted that A4/R9 borrowed an amount of Rs.3 lakhs and issued a cheque which was bounce, hence the petitioner filed a civil case before the Hon'ble Court. It is further submitted that

A5/R10 also borrowed money from the petitioner and unable to repay the amount, hence there is property disputes between the petitioner and the accused/ unofficial respondents.

Hence the respondent police referred the case as false after obtaining the permission from the D.S.P. Nellore town, vide C.No.763/GI-SDON(Tribunal)/13, dt.31-12-2013 after serving of notice final report will be filed within week."

On noticing the above said instructions, learned counsel for the petitioner has requested this Court to record the said instructions and dispose of the writ petition with a further direction to the respondent police to file final report, as expeditiously as possible.

In view of the above, the writ petition stands disposed of, by recording the written instructions, dated 16-10-2015 furnished by the Sub-Inspector of Police, IV Town Police Station, S.P.S.R. Nellore District and the respondent authorities also directed to file final report, as expeditiously as possible, and thereafter it is open for the petitioner herein to proceed, in accordance with law.

Miscellaneous Petitions pending, if any, shall stand closed.
There shall be no order as to costs.

A.V. SETHA SAI, J

October 26, 2015

Pn

-

-

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

-

-

-

-

-

