

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

WRIT PETITION No.22446 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 3rd respondent in not investigating the matter in Crime No.7 of 2015, dated 01-03-2015, as illegal, arbitrary and violation principles of natural justice and contrary to the provisions under Code of Criminal Procedure and Police Manual, consequently direct the 3rd respondent to investigate the matter in Crime No.7 of 2015, dated 01-03-2015, expeditely, by following the Rules and Regulations contemplated thereunder.”

Heard Sri K.V.L. Narasimha Rao, learned counsel for the petitioners 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 30-07-2015 furnished by the Sub-Inspector of Police, Gudupalli Police Station, Chittoor District have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“It is respectfully submitted that the 1st petitioner herein lodged a complaint on 01-03-2015 with the Station House Officer, Gudupalli Police Station, Chittoor district stating that he and his wife are the Asst. Professors in General Surgery Department in PESIMSR Hospital, Kuppam. The accused persons i.e., PESIMSR Management, Dr. H.R. Krishna Rao, Principal, PESIMSR, Kuppam and Dr.L. Krishna, Medical Superintendent, PESIMSR, Kuppam cheated the complainant, forged and criminal intimidation with common intention and threatened with dire consequences. The complainant requested the police to take necessary action.

It is respectfully submitted that basing on the said complaint a case in Cr.No.7 of 2015 dated 01-03-2015 under Sections 420, 465 and 506 r/w.34 of I.P.C. has been registered against PESIMSR Management, Dr.H.R. Krishna Rao, Principal, PESIMSR, Kuppam and Dr.L. Krishna, Medical Superintendent, PESIMSR, Kuppam has been registered on the file of Gudupalli Police Station, Chittoor district and investigation has been taken up.

It is respectfully submitted that during the course of investigation the complainant and his wife have been examined and recorded their detailed statements.

It is submitted that on 01-03-2015 and 11-05-2015 the Investigating Officer served notices under Section 91 of Cr.P.C. to the Principal, PESIMSR Hospital, Kuppal asking to hand over the original resignation letters of the complainant and his wife dated 20-5-2015. In turn on 18-03-2015 the authorities in his reply stated that the concerned documents sent to their advocate, Hyderabad.

It is submitted that on 29-07-2015 this respondent received the original resignation letters of the complainant and his wife Haripriya Reddy from PES Medical College, Kuppam at Gudupalli and after receiving the said letters this respondent sent the same to hand writing expert at Forensic Science Laboratory, Hyderabad for opinion/report.

It is submitted that after receiving the opinion from the Forensic Science Laboratory, Hyderabad the case will be finalized as per law and an appropriate report will be submitted before the concerned Court as expeditiously as possible.”

On noticing the said instructions, learned counsel for the petitioners has requested this Court to close the writ petition by recording the said instructions.

In view of the above reasons, the writ petition is disposed of by recording the instructions, dated 30-07-2015 furnished by the Sub-Inspector of Police, Gudupalli Police Station, Chittoor District.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. There shall be no order as to costs.

A.V. SESA SAI, J

July 31, 2015

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