

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No. 5469 of 2016

ORDER :

Heard the learned counsel for the petitioner and the Assistant Government Pleader for Home for the State of Andhra Pradesh appearing for respondents 1 to 3.

2. This Writ Petition is filed seeking to declare the action of respondents 1 to 3 in not completing the investigation and filing final report in crime No.156 of 2015, dated 13.10.2015 of Gudivada II Town police station registered for the offences punishable under Sections 324, 420 read with 34 of the Indian Penal Code, 1860, (for short, 'IPC') as illegal and arbitrary.

3. Grievance of the petitioner is that though the above crime was registered on 13.10.2015 by respondent no.3-police, no final report is filed in accordance with law, till date.

4. The Assistant Government Pleader, on instructions, states that during the course of investigation of the above crime, the Sub Inspector of Police, Gudivada II Town police station deleted Section 324 IPC and added Section 468 IPC; that he obtained certain information from the Life Insurance Corporation of India, Machilipatnam regarding the policies of respondent No.4/A1. It is further stated

that the investigation was handed over to the Inspector of Police, Nuziveedu, and during the course of investigation, he addressed letter to the Municipal Corporation, Gudivada requesting to furnish certain information regarding the allegations made against the Municipal Chairman, the then Municipal Commissioner and the Sanitary Inspector. Another letter was addressed to the Head Master, Viswa Bharathi School, Gudivada with a request to furnish documents regarding the date of birth certificate and details of parents of Yelavarthi Sai Krishna, who is alleged to be the third child of respondent no.4/A1. It is further stated that the Municipal Commissioner furnished reply containing 102 pages which is under scrutiny and that the Head Master, Viswabharathi High School furnished information stating that the said Yelavarthi Sri Sai Ganesh studied in their school from 1st to 10th class, his father's name is Yelvarthi Rambabu and he joined in the school declaring his date of birth as 25.12.1998.

The instructions dated 13.04.2016 further disclose that on 04.04.2015, the respondent police endorsed a letter to the Life Insurance Corporation of India, Gudivada to furnish copies of application of LIC policies of Yelavarthi Rambabu, brother of respondent no.4/A.1, to verify the particulars as to whether the disputed child, Yelavarthi Sai Ganesh, was shown as his son or not. It further discloses that the police also endorsed a letter to the

Municipal Commissioner to furnish copy of birth register in serial no.285 in Birth Register No.311 for the entry registered on 03.03.1998 with date of birth as 17.02.1998 for the child Yelamarthy Vikram Raju, which was alleged to be forged by the accused. The police also examined one Yelavarthy Rambabu, the brother of the accused, and recorded his statement.

5. From the above, it is clear that the investigation is at threshold and a lot of information is yet to be gathered by the investigating agency. So, having regard to the nature of the allegations made, gravity of the offences alleged and the material to be collected, it may not be proper to fix a time limit for the police for filing a final report. However, having regard to the facts and circumstances of the case, the respondents 1 to 3-police are directed to file final report in crime No.156 of 2015 of Gudivada II Town police station as early as possible before the appropriate court after collecting all the necessary material.

6. With the above direction, the Writ Petition is disposed of. Miscellaneous petitions pending, if any, in the Writ Petition shall stand closed in the light of this final order. No order as to costs.

C.PRAVEEN KUMAR, J

01.06.2016
DRK

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