

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

WEDNESDAY THE SIXTH DAY OF JANUARY
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 10995 OF 2011

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Between:

P. Ramchandraiah ... Petitioner

Vs.

The Station House Officer,
III-Town Police Station,
Proddatur, Kadapa district & Ors. ... Respondents

Counsel for the Petitioner: Sri GBSS Papa Rao

Counsel for the Respondents: GP for Home

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SETHA SAI

WRIT PETITION NO. 10995 OF 2011

ORDER:

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

“To declare the inaction of the first respondent in not investigating and not filing the charge sheet in FIR.No.51/2008, dated 09/4/2008 on the file of I-Additional Judicial Magistrate of First Class, Proddatur, Kadapa district, even after a lapse of three years, as highly illegal, arbitrary, violative of Article 21 of the Constitution of India and also contrary to the provisions of the Criminal Procedure Code and consequently to direct the first respondent to immediately investigate into the case and file charge sheet in FIR.No.51/2008, dated 09/4/2008 on the file of I-Additional Judicial Magistrate of First Class, Proddatur, Kadapa district and to pass such other suitable orders, as this court may deems fit and proper in the circumstances of the case.”

2. When the matter is called today, written instructions furnished by the Station House Officer, III-Town Police Station, Proddatur, Kadapa district have been placed on record by the learned Government Pleader for Home for the respondents.

3. The written instructions reads as under:

It is submitted that the petitioner had lodged a private complaint before the Hon'ble I-Additional Judicial Magistrate of First Class, Proddatur, Kadapa district stating that 1) Karur Vysya Bank Ltd. Proddatur, and 2) M/s. Gayatri Traders and Merchant and Commission Agent, Proddatur have criminally conspired and forced and cheated by creating an account on the name of the complainant's father, who died and transitioned amount without the knowledge of the complainant.

Pursuant to the said complaint, a case in Cr.No.51/2008 under section 120 (b), 344, 420, 417 IPC and 156 [3] Cr.P.C. had been registered on 09/4/2008 against 1] Karur Vysya Bank Ltd., Proddatur and 2] M/s Gayatri Traders and Merchant and Commission Agent, Proddatur as A-1 and A-2 on the file of Station House Officer, III-Town Police Station, Proddatur Police Station, Kadapa district and has taken up investigation

It is submitted that the investigation had revealed that in the above same matter, earlier a case in Cr.No.631/2002 under section 380, 420, 468 and 471 IPC had been registered on the file of CCS PS Hyderabad and the petitioner was shown as A-4. After completion of investigation, the case was charged before the Hon'ble XII Additional Chief Metropolitan Magistrate, Hyderabad. The case ended in acquittal by order dated 09/12/2005 in CC.No.144/2003 before the Hon'ble XII Additional Chief Metropolitan Magistrate, Hyderabad. After obtaining permission from the Sub-Divisional Police Officer, Proddatur vide C.No.66/SDPO-PDT/09 dated 31/5/2009 the case was referred as 'mistake of fact' before the I-Additional Judicial Magistrate of First Class, Proddatur, Kadapa district on 03/11/2009 after serving the notice to the complainant.

4. On noticing the same, the learned counsel for the

petitioner has requested this court to dispose of the writ petition by recording the said written instructions.

5. In view of the above, the writ petition is closed by recording the above written instructions furnished by the Sub-Inspector of Police, III-Town Police Station, Proddatur, Kadapa district. No costs.

6. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE A.V.SESHA SAI

06/01/2016
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HONOURABLE SRI JUSTICE A.V. SESHAI SAI

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