

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

—
WRIT PETITION No.16159 of 2012

ORDER:

Heard the learned counsel for petitioner, the learned Government Pleader for Home (TS) for respondents 1 to 4 and the learned counsel for respondents 5 and 6.

2. It is the case of the petitioner that he purchased one Mahindra 275 DI diesel tractor after obtaining loan from the sixth respondent. As per the loan agreement, the petitioner had to repay the loan amount in six half yearly instalments within a period of three years. The petitioner paid some instalments, but could not pay the entire amount. In the meanwhile, the tractor was involved in a crime and the same was taken away by force by third parties. The wife of the petitioner lodged a complaint before the fourth respondent on 16.06.2010, but he did not take any action. At the instance of the fourth respondent, the tractor was produced before the Palvancha Rural Police Station on 10.10.2010, but the fourth respondent handed over the same to the fifth respondent instead of handing over it to the petitioner. It is the further case of the petitioner that he filed a private complaint against the third parties including the fourth respondent on the file of the Court of the Judicial First Class Magistrate at Kothagudem, and basing on the reference of the said Court, a crime in FIR No.29 of 2011 was registered. Though the third parties were arrested, the fourth respondent was shown as absconding. However, a charge sheet was filed on 24.01.2012 deleting the name of the fourth respondent. Challenging the same, the petitioner filed CrI.R.P.No.36 of 2013 before the Court of I Additional Sessions Judge at Khammam and the same was allowed on 15.06.2012. Challenging the same, the fourth respondent filed CrI.R.C.No.407 of 2014 before this Court and it is pending. The present writ petition is filed challenging the inaction of respondents 1 and 2 in taking action against

the fourth respondent who is interfering with the civil disputes.

3. The learned Government Pleader, on the basis of instructions, submits that on receipt of a complaint against the fourth respondent, the District Collector, Khammam endorsed it to the Assistant Superintendent of Police, Kothagudem to enquire into the matter. The Assistant Superintendent of Police, Kothagudem conducted a detailed enquiry and noticed that the fourth respondent had not followed the procedure while dealing with the complaint of the petitioner and accordingly issued a charge memo to him calling for his explanation. The fourth respondent submitted his explanation, and after perusing the same and considering the loyal service done by the fourth respondent, the further action was dropped against him.

4. In the circumstances, it cannot be said that no action is being taken against the fourth respondent, who was the then Sub-Inspector of Police of Palvancha Rural Police Station. In view of the pendency of the criminal proceedings against the fourth respondent and dropping of further departmental action by the second respondent, this Court is not inclined to grant the relief as sought by the petitioner.

5. Hence, the writ petition is dismissed. However, this will not prevent the petitioner from pursuing his remedies that are available to him under law in the pending criminal proceedings. No order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 28.03.2016

TJMR