

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.45110 of 2016

ORDER

This writ petition is filed for the following relief:

“to issue writ order or direction more particularly one in the nature of writ of Mandamus to declare the action of the respondent No.1 in intending to register the separate FIRs based on the complaints made by the respondents 5 to 10 and proposed complaints to be made by the respondents 11 to 21 even in spite of the allegation in FIR No.40/2016 and the allegation in the complaint submitted by the respondents 5 to 10 is one and same as arbitrary, illegal and violation of Article 21 of the Constitution of India and consequently direct the respondent No.1 not to register separate FIRs based on the complaints of respondent Nos.5 to 21 and other farmers by treating the said complaints as statements u/s.162 Cr.P.C in FIR No.40/2016 in the interest of justice.”

A counter-affidavit is filed by the 1st respondent stating that FIR No.40 of 2016 was registered based on the complaint lodged by one Sivaramakrishna Prasad-(4th respondent), against the petitioner and two others. The allegation in the complaint was that the complainant has given 3060 bags of Bengal Gram to the accused for storing them in their cold storage plant and the accused have issued receipt. Thereafter, the complainant has taken back some bags of Bengal Gram and utilized the same for his needs. Subsequently, the complainant obtained loan from Union Bank of India, Ravinuthala Branch, Prakasam District, based on the receipt issued by the accused. While so, the accused in connivance with the bank officials, have sold the entire left over Bengal Gram bags of the complainant and realized the amount. When the complainant approached the accused for return of the

remaining Bengal Gram, the accused informed him that since he kept the commodity more than the stipulated period without claiming it, they are not obligated to return the same. Similar complaints were also received from the farmers. All the victims were examined, separate statements were recorded and separate FIRs were registered and the matter is under investigation.

In view of pending investigation pursuant to the complaint lodged by the complainant-4th respondent, this Court is not inclined to interfere with the process of investigation and as such, no relief can be granted in the present writ petition. However, it is open to the petitioner to take steps in accordance with the provisions of Criminal Procedure Code, after the investigation is completed.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

22nd February, 2017
rkk

