

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.32328 OF 2017

ORDER:

The Writ Petition is filed complaining inaction on the part of respondent No.4 on the complaint made by the petitioner on 07.09.2017 with respect to the alleged cheating done by respondent Nos.5 and 6 in connection with purchase of paddy.

2. Learned Government Pleader has placed on record the written instructions received from the Station House Officer, Mellacheruvu Police Station, Suryapet District.

3. The written instructions read as under:

“It is submitted that the petitioner herein has given a petition dated 7.9.2017 stating that they are depending upon the agriculture and by doing and cultivating the agriculture lands in Mellacheruvu village, in ruby season i.e., April, 2017 he got the paddy from his agriculture land, apart from that, some of the unknown farmers in his village, used to sell their paddy to him by giving some commission. While things stood thus, he and his known farmers sold 3900 paddy bags to Varra Venkata Reddy and Gajella Priyatham Reddy, and they are doing the paddy trading business under the name and style M/s. Lakshmi Narsimha Trade & services, and they also sold the said paddy in open market, and got the money long back, but with an intention to cheat him, they did not return his paddy amount, inspite of they received long back, and he is having all original receipts in respect of unloading of 3,900 bags, and the said receipt also signed by the said persons, including weigh bridge receipts in respect of 3,900 paddy bags, but till today Varra Venkata Reddy and Gajella Priyatham Reddy, not yet

returned the huge amount either to him or his known farmers. The petitioner requested to take necessary action against the said persons.

It is submitted that, based on the said Petition, an entry was made in the General Diary of the Police Station on the same day i.e., 7.9.2017 and took up for enquiry. The enquiry revealed that the subject matter is purely civil in nature. The petitioner has given paddy to Varra Venkata Reddy and Gajjella Priyatham Reddy, but did not fulfil his obligation of making payment. There is no cognizable offence taken place in the transaction. The petitioner instead of approaching the concerned Civil Court has given petition. After conducting enquiry, the petitioner was informed that the Police cannot interfere in civil matters and no action can be taken on his petition dated 7.9.2017. In spite of the same, the petitioner filed present writ petition alleging inaction on his petition. The petitioner is trying to involve the Police in civil matters, and is also trying to settle his civil dispute with the unofficial 5th and 6th Respondents in a writ jurisdiction.”

4. Inasmuch as *prima facie* opinion was arrived at by respondent No.4 that the complaint does not disclose any cognizable offence, a duty is cast upon him to take further steps as required under Section 173 (2) (ii) Cr.P.C. informing the petitioner with respect to the action taken.

5. In those circumstances, respondent No.4 shall take necessary steps as required under Section 173 Cr.P.C. within a period of ten days from the date of receipt of a copy of this order. Thereafter, the petitioner shall be entitled to exercise his rights as per law.

6. Subject to the above, the Writ Petition is disposed of. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

September 22, 2017
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