

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.6309 of 2011

ORDER:

This Writ Petition is filed by the petitioner under Article 226 of the Constitution of India seeking to declare the action of the respondents in not proceeding with investigation and not arresting the accused in Crime No.89 of 2010, dated 21.04.2010, on the file of the Narsapuram Town Police Station, Narsapuram, West Godavari District, as illegal, arbitrary, unjust and against the principles of natural justice and consequently direct the respondents to proceed with the investigation in accordance with law and arrest the accused.

2. Heard and perused the material available on record.

3. The case of the petitioner is that the petitioner is the absolute owner and possessor of tiled house property admeasuring to an extent of 712 square yards and Madras terraced building bearing Door No.14-8-12, situated in 16th Ward, Varanasivari Street, Narasapur. While so, three persons, namely, Sirra Sridevi, Sirra Vijaya Kumar and Mekala Udaya Bhaskara Mohana Rao Naidu high-handedly trespassed into the petitioner's property with an intention to grab away his property and they demolished some portion of the structures in the said property and caused damage to the property. The petitioner reported and lodged a written complaint before the 3rd respondent on 21.03.2010, but the 3rd respondent has not taken any action against the said persons. The petitioner filed private complaint before the II Additional Judicial Magistrate of First Class, Narasapur, and on the direction

of the learned Magistrate, the 3rd respondent registered a case in Crime No.89 of 2010 against the said three persons under Sections 448, 453, 427 & 506(2) read with 34 IPC and Section 156(3) Cr.P.C.

4. The main grievance of the petitioner is that the 3rd respondent police, instead of investigating the matter, are hand-in-glove with the accused and threatening the petitioner to compromise the matter or otherwise they are going to foist false cases against the petitioner and his family members. Hence, the present writ petition is filed.

5. Learned Government Pleader for Home appearing for the respondents submitted that the 3rd respondent is proceeding with the investigation in the matter and that they will file a final report, as expeditiously as possible.

6. Considering the facts and circumstances of the case and the grievance of the petitioner and the submissions of the learned Government Pleader for Home, the 3rd respondent is directed to complete the investigation in Crime No.89 of 2010, as expeditiously as possible and file a final report, if any, either way, in accordance with law.

7. Accordingly, the Writ Petition is disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO, J

Date: 29th August, 2017

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