

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.7950 of 2017

ORDER:

Heard the learned counsel for the petitioner and learned Government Pleader for respondents 1 to 5.

2. This Writ Petition was filed challenging the action of respondents 4 and 5 in not registering the crime pursuant to the complaint of the petitioner, dated 25.02.2017, for playing financial fraud against the Hon'ble Court by filing an application in I.A.No.1266 of 2016 in T.O.P.No.193 of 2007 before the Principal District Judge, Khammam, for withdrawal of deposit amount made to the said T.O.P.No.193 of 2007, of 1.25 crores with accrued interest by the writ petitioner company.

3. The petitioner lodged a complaint on 25.02.2017 with the 4th respondent stating as follows”

“I, Miryala Ramakrishna, S/o Panduranga Rao Director of Kamkakshi Steels (P) Ltd., Vijayawada. Placing this complaint that our company entered into an agreement through Telaprolu Ramprasad son of Bala Koteswara Rao, aged about 43 years, resident of Mannavaram, Main Road, Bhavanipuram, Vijayawada the then director in order to purchase a property to an extent of Ac.3.01 gts in St.No.504 on 10.07.2006 with one Bodili Dharma Singh of Ttekulapalli, Khammam District and paid an advance amount. The said land is protecting through a trust and we filed TOP No.193 of 2007 before the Hon'ble Principal District Court, Khammam for seeking permission to purchase the said land filed the said case through the trustee Bodili Dharma Singh. The Company deposited an amount of Rs.1,25,00,000/- (One Crore Twenty Five lakhs) as per

the directions of the Hon'ble Court through cheque No.4977873. In the light of the permission has been denied by the Hon'ble Court, Telaprolu Ramprasad and Bodili Dharma Singh deceived the company and filed an application through vide I.A.No.1266/2016 in TOP.No.193 of 2007 for withdrawal of the said amount before the Hon'ble District Court. We came to know the fact and we filed a suit of O.S.SR.No.1252 of 2017 filed before the Hon'ble District Court and we request to take action against the said Telaprolu Ramprasad and Bodili Dharma Singh in accordance with law. I am enclosing the Income Tax assessment and Registrar Letter along with this complaint."

(This is a translated copy of the complaint filed by the petitioner).

4. A reading of the above complaint shows that one Telaprolu Ramprasad and Bodili Dharma Singh, respondents 6 and 7 herein filed an application in I.A.No.1266 of 2016 in T.O.P.No.193 of 2007 for withdrawal of the amount and the petitioner filed O.S.S.R.No.1252 of 2017. Thus, the allegations against respondents 6 and 7 are the subject matter of challenge in O.S.S.R.No.1252 of 2017.

5. Learned Government Pleader, on the basis of written instructions, submits that basing on the said complaint, an entry was made in the General Diary on 25.02.2017 and the matter was taken up for enquiry. The enquiry revealed that subject matter is purely civil in nature and since the Court cases are pending, no action was taken on the petitioner's complaint. In fact, the same was also informed to the petitioner and he was asked to pursue the remedies before the concerned Court.

6. I am satisfied with the instructions given to learned Government Pleader by police. After perusal of the complaint lodged by the petitioner, I do not see any ground to entertain the present writ petition.

7. Accordingly, the Writ Petition is dismissed. Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

MARCH 28, 2017

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Date: 28.03.2017

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