

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.22023 of 2014

ORDER:

The petitioner prays for the following relief:

“Writ of Mandamus, to declare the action of respondent Nos.3 to 6 herein in not sending the original complaint C.F.R.No.908 of 2012 in Crime No.29 of 2013 to the Court of learned Judicial Magistrate of First Class, Pattikonda, in spite of the official Memos dt.07.05.2013 and 06.03.2014 issued by the learned Magistrate, as being illegal, arbitrary and unjust.”

The 2nd respondent/Superintendent of Police, Kurnool filed the counter-affidavit on behalf of all the respondents.

Paragraph No.6 of the counter-affidavit reads as follows:

“It is respectfully submitted that, subsequently the Hon’ble Court issued show cause notice with a direction to give explanation as to why the endorsed complaint of the petitioner was not register a case so far, which was sent to Sub Divisional Police Officer, Dhone through post for registering a case, but it is learnt that the said complaint has not received by the Sub Divisional Police Officer, Dhone through post. It is submitted that, on receipt of the show cause notice from the Hon’ble Magistrate along with photo stat copy of the petitioner’s complaint, the Sub Divisional Police Officer, Dhone has directed the then Sub Inspector of Police, Maddikera P.S. to register a case. It is submitted that, on 30.04.2013 on receipt of endorsement from the Sub Divisional Police Officer, Dhone the above crime was registered and same was referred as “FALSE” duly obtaining permission from the Sub Divisional Police Officer, Dhone Vide C.No.78/SDPO-D/2014, dated 20.01.2014. Tried to serve RCs notice to the petitioner in this matter on

21.01.2014 through HC-993 and WPC 1213. But they returned back stating that the petitioner refused to take RCs notice. However a special report obtained from HC-993 and WPC-1213 regarding refusal of RCs notice and along with special report filed the final report on 21.01.2014 before the Hon'ble Judicial First Class Magistrate, Pathikonda. Now the matter is pending in the Hon'ble JFCM Court, Pathikonda."

Sri A.Jaya Sankara Reddy, learned counsel for the petitioner does not press the writ prayer but seeks leave of the Court to work out the remedies available against the final report submitted by the department. The statement is placed on record.

The Writ Petition is disposed of accordingly. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

27th April, 2017
ssp

S.V. BHATT, J