

THE HON'BLE JUSTICE SRI GUDISEVA SHYAM PRASAD

WRIT PETITION No. 41842 of 2016

ORDER :

The petitioners have sought for a writ in the nature of Writ of Mandamus, to declare the inaction on the part of the respondent No.5 in conducting investigation in a Crime FIR No. 143 of 2016 dated 14.07.2016 on the file of Tada Police Station, S.R.S.P.Nellore District, registered for the offence under Section 405, 415 418, 420, 464 r/w 120-B, 34 of I.P.C. r/w 156 (3) of Criminal Procedure Code against the respondent Nos. 8 to 10, even after receipt of the representations, which were submitted by the petitioners dated 14.09.2016, 19.10.2016, 25.10.2016 and 01.11.2016 as illegal and arbitrary.

2. Heard the arguments of the learned counsel for the petitioners and learned Government Pleader (Home).

3. Notices have been served to the respondent Nos.8.9 and 10 and learned counsel G. Rama Sharma filed vakalath on behalf of the respondents.

4. Brief facts of the case are that the petitioner Nos.1 and 2 are the share holders of M/s. Geomatrix Laser Solutions Pvt. Ltd. conducting business of providing surface coating solutions for industrial components, more specifically laser cladding of component surfaces.

5. The grievance of the petitioners is that the respondent No.8, who was appointed as Managing Director of the Company,

conspiring with the respondent No.9, committed several illegalities and irregularities causing loss to the Company. In those circumstances, the petitioners have filed a private complaint under Section 200 Cr.P.C. vide CF 1199 dated 04.07.2016, before the learned Judicial Magistrate of First Class, Sullurpeta, SPSR Nellore District, for the offences committed by the Respondent Nos. 8 to 10. The learned Magistrate passed the following order on 04.07.2016 :

“Complainant is present, perused record, complaint is forwarded to the DSP for his investigation U/s 156 (3) Cr.P.C. (in view of the allegations made by SHO, Tada Police Station) and report. Call 20/7.”

6. It is submitted by the learned counsel for the petitioners that the police have not taken any action, in spite of the several representations made to them after lodging the private complaint. Therefore, the petitioners have sought for a direction to the police to complete the investigation at an early date.

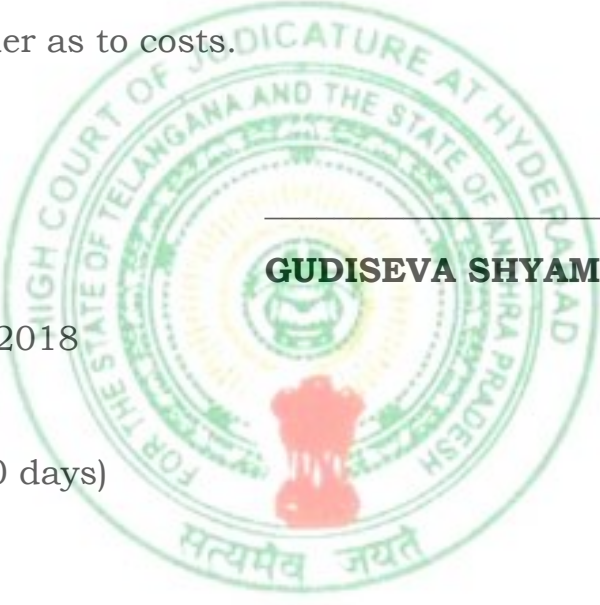
7. The learned Government Pleader (Home) also submits that the concerned authority may be directed to expedite the investigation as per law.

8. Having regard to the facts and circumstances of this case, since the complaint has been referred by the learned Magistrate under Section 156 (14) Cr.P.C for investigation by the police, it is the duty of the police to complete the investigation within a reasonable time. The D.S.P. has received the complaint on 11.07.2016 and the investigation has not yet been completed in this matter. Therefore, the respondent No. 5 is directed to

complete the investigation within a reasonable time as expeditiously as possible.

9. Accordingly, the Writ Petition is disposed of. The investigation agency is directed to investigate the matter expeditiously within a reasonable time. In case, if the investigation has not been completed within a reasonable time, the petitioners may resort appropriate remedies available to them.

10. The Miscellaneous Petitions pending, if any, shall stand closed. No order as to costs.



GUDISEVA SHYAM PRASAD,J

Dated: 01.05.2018

JR

(Issue cc in 10 days)

THE HON'BLE JUSTICE SRI GUDISEVA SHYAM PRASAD



Dated: 01.05.2018

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