

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No.4143 of 2016

ORDER :

This writ petition is filed by the petitioner seeking for a *Writ of Mandamus* to direct respondent Nos.3 and 4 to complete investigation in Crime No.64/2014 of Madhira Town Police Station, Khammam District, and file a final report before the competent Court and communicate him the action taken in the matter.

The case of the petitioner is that he gave a report on 15.01.2014 to respondent No.4 – Inspector of Police, Madhira Town Police Station, Khammam District, stating that he stored about 1,749 mirchi bags on different dates in the cold storage of respondent No.5 in the year 2012, which were acknowledged by respondent No.5 after collecting necessary fee. Subsequently, he sold 828 mirchi bags, which were stored in the cold storage of respondent No.5, in the market on different dates, Again on 09.01.2014 when the petitioner went to the cold storage of respondent No.5 to sell the remaining mirchi bags, he came to know that respondent No.5 has sold away the remaining mirchi bags illegally without his knowledge. When the petitioner questioned respondent No.5 and his employees about the same, they gave evasive replies and necked him out by threatening with dire consequences. Though respondent No.4 received the

report of the petitioner and gave acknowledgement vide Receipt No.41, dated 15.01.2014, he registered the crime on 18.02.2014 as Crime No.64/2014 for the offences punishable under Sections 406, 420 and 506 IPC. It is stated that as respondent No.4 has not completed the investigation and filed final report in the above crime even after a lapse of one year two months, the petitioner filed W.P.No.8240 of 2015. In the said writ petition, the Governmtn Pleader has informed that five witnesses have already been examined and investigation is almost completed and appropriate final report is proposed to be filed before the competent Court, recording the same, the said writ petition was disposed of on 02.04.2015 with a direction that "since the investigation is already completed substantially, no further orders are required to be passed except directing respondent No.4 to take further steps as required in accordance with law expeditiously. The respondent No.4, even after a lapse of one year thereafter, has not filed final report before the competent Court, therefore, the petitioner sought for a direction to respondent Nos.3 and 4 to complete investigation and file a final report before the competent Court in Crime No.64/2014.

Heard learned counsel for the petitioner as well as the learned Assistant Government Pleader for Home and perused the material on record.

The learned Assistant Government Pleader for Home submits that since the crime was registered in the year 2014, investigation might have been completed by now and no further orders are required.

Learned counsel for the petitioner submits that as respondent No.4 has not completed investigation, the petitioner filed W.P.No.8240 of 2015, wherein basing on the submissions made by the learned Government Pleader that investigation is almost completed and appropriate final report will be filed before the competent Court, this Court disposed of the said writ petition on 02.04.2015, observing that since the investigation is already completed substantially, no further orders are required to be passed except directing respondent No.4 to take further steps as required in accordance with law expeditiously. In spite of the same, final report has not been filed till date.

In the light of the observations of this Court in W.P.No.8240 of 2015, dated 02.04.2015, no further orders are required to be passed in this writ petition, except directing respondent No.4 to file a final report expeditiously, if it is not filed so far. In case, final report has already been filed before the competent Court, further action would be initiated in accordance with law.

With the above observations, this writ petition is disposed of. No order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

GUDISEVA SHYAM PRASAD, J

24.04.2018.

Msr



HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No.4143 of 2016



24.04.2018
Msr