

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.19490 OF 2018

O R D E R

Based on the report of the petitioner, 4th respondent – Sub Inspector of Police, registered the case in Crime No.199/2017 against unofficial respondents 5 to 9 for the offences punishable under Sections 379, 447, 323, 506-II read with Section 34 IPC. Alleging that though the crime was registered in the year 2017, the 4th respondent is not conducting investigation, the present writ petition is filed for a direction to the 4th respondent to conduct investigation and to file charge sheet.

Heard the learned counsel for the petitioner.

Learned Assistant Government Pleader for Home produced written instructions of the 4th respondent denying the allegations of the petitioner. In the written instructions, it is stated that in pursuance of registration of the above crime, 4th respondent examined eight witnesses and found no *prima facie* case and, therefore, addressed letter to the Sub Divisional Police Officer, (SDPO) Eluru Sub-Division, Eluru on 13.10.2017, to accord permission to refer the case as 'false'. Vide proceedings in C.No.1035/SDO.E/Ref/2017 dated 30.11.2017, the SDPO accorded permission and a copy of notice was served on the petitioner on 14.06.2018 and final report has been filed before the II Additional Judicial First Class Magistrate, Bhimdole on 18.06.2018 in S.R.No.2693 of 2018.

Learned counsel for the petitioner, on instructions, denies the receipt of notice stated to have been served by the 4th respondent on 14.06.2018.

Since the petitioner is disputing the receipt of notice on 14.06.2018 and the 4th respondent has not filed any proof of acknowledgement, he shall serve notice on the petitioner and thereupon, it is open for him to avail the remedies available under law.

With the above direction, writ petition is disposed of.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

A.RAJASHEKER REDDY,J

DATE:10—07—2018

AVS

