

**HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**

**WRIT PETITION No.247 of 2016**

**ORDER :**

This writ petition is filed by the petitioner seeking *Mandamus* to declare the action of respondent Nos.3 and 4 in directing him to withdraw the criminal cases booked against the accused in Crime Nos.459/2015, 580/2015 and 571/2015 in which respondent No.4 is the investigating authority and the accused in the above crimes are very close friends of him and further not conducting any investigation into the said crimes even after registration of the same, as illegal and arbitrary.

The brief facts of the case are that the land in R.S.No.51/2 to an extent of Ac.1.77 cents and R.S.No.50/3 to an extent of Ac.1.06 cents, thus totalling to Acs.2.83 cents was gifted by the petitioner's maternal grand-mother to the mother of the petitioner and the same was in possession and enjoyment of the petitioner's family. As some land grabbers tried to level the said piece of land, when the petitioner tried to lodge a complaint, respondent No.4 refused to receive the same, therefore, the petitioner sent the same through registered post. Even after receipt of the said complaint, respondent No.4 did not take any steps to register the crime, therefore, the petitioner was constrained to approach this Court by way of filing W.P.No.25454 of 2015. After receipt of

notices in the said writ petition, respondent No.4 registered the complaint on 26.09.2015 as Crime No.459/2015 for the offences punishable under Sections 447, 420, 468, 471 r/w. Section 34 IPC. It is the case of the petitioner that respondent No.4 has misused his official position by not taking steps to conduct investigation in the above crimes. Therefore, it is contended that respondent No.4 is not conducting investigation on proper lines and, therefore, sought to handover the investigation into the said crimes to some other Investigating Officer.

Heard learned counsel for the petitioner and the learned Assistant Government Pleader for Home. Perused the material on record.

Learned counsel for the petitioner submits that respondent No.4 – S.I. of Police, Bhavanipuram Police Station, Vijayawada, has been pressurizing the petitioner to withdraw the complaints lodged against the accused in Crime Nos.459/2015 and 571/2015 and that he has not been conducting investigation in the above crimes on proper lines. It is further submitted that Crime No.580/2015 filed by some third parties was registered against the petitioner in order to threaten him to withdraw the above two crimes filed by him.

It is to be noted that the allegations made in the affidavit filed in support of the writ petition are vague and there are no specific instances alleged against respondent

No.4. It is also pertinent to note that respondent No.4, having received the notices, has not filed any counter affidavit denying the allegations made against him. On the other hand, the Inspector of Police, Bhavanipuram Police Station, Vijayawada City, has filed counter affidavit on behalf of respondent No.3 denying allegations made in the writ petition. However, it is the grievance of the petitioner that though Crime Nos.459/2015, 580/2015 and 571/2015 have been registered by the police, the investigating agency is not conducting investigation in the said crimes on proper lines and, therefore, sought for change of investigating officer.

On consideration of the facts and circumstances of the case, it is not desirable to change the investigating officer, at this stage. However, the investigating agency is directed to complete investigation in Crime Nos.459/2015, 580/2015 and 571/2015, expeditiously, keeping in view the allegations made by the petitioner.

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.

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GUDISEVA SHYAM PRASAD, J

23.04.2018.  
Msr

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