

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**WRIT PETITION No.453 of 2016****ORDER:**

The Petitioner/SSailaja, a divorcee, aged about 46 years, has filed the present Writ Petition seeking a direction, more particularly, one in the nature of Writ of Mandamus declaring the inaction of the respondents in not taking any steps on her complaint dt. 30.11.2013 vide crime No.329 of 2013 on the file of Kadapa I Town Police Station, YSR District under the head of man missing as illegal and arbitrary.

On behalf of the petitioner, none appeared.

Heard arguments of learned Assistant Government Pleader for Home appearing for the respondents.

Respondent No.3 has filed Counter Affidavit stating in para No.7 that the missing person--V.V.Suraya Narayana is originally native of Rajoli Mandal of East Godavari, Andhra Pradesh. On 16.10.1992, the petitioner's marriage was solemnized with the missing person and thereafter they were blessed with a daughter. The husband of the petitioner--V.V.Suryanarayana was maintaining a firm under the style of "Mahila Vikas Paraspara Cooperative Society Limited" and he introduced number of attractive schemes with an intention to infuse confidence among the general public and get deposits from them. The innocent general public deposited their amounts on the promise made by Suryanarayana that he would refund the principal amount with interest within a stipulated time, but he failed to repay the amount and thereby cheating the general public. Since the said Suryanarayana failed to repay the amount deposited by the general public, two criminal cases vide Cr.Nos.344 of 2013 under Section 420 and Section 5 of Depositors Security Act and Cr.No.365 of 2014 under Section 420 IPC

and Section 5 of Depositors Security Act have been registered against him and other persons. The petitioner was also figured as Accused No.2 in Cr.No.365 of 2014 and subsequently, she was remanded to judicial custody. It is further stated in the Counter that the petitioner being the wife of missing person has not at all been cooperating with the investigating agency.

Learned Assistant Government Pleader further referred to para No.10 of the counter, wherein it is stated that the entire descriptive particulars of the missing person have been kept through social media, facebook, whatsapp and messaging system and the police have obtained Passport No.H5325037 of the missing person on 10.10.2009 and the police are taking various steps through various investigating agencies including Immigration Department to find out the whereabouts of the missing person. It is further stated that after receiving the information from the Immigration Department, appropriate steps will be taken as per law to trace the missing person.

In view of the submissions made by the learned Assistant Government Pleader for Home, it is obvious that the respondents are taking appropriate steps for tracing out the missing person and the efforts made by them have been stated in the Counter filed by respondent No.3 referred to above.

It is pertinent to note that there are two criminal cases pending against the missing person and also the wife of the missing person, the petitioner herein, and the investigation is in progress. Therefore, there is no inaction on the part of the police in investigating the matter.

Having regard to the facts and circumstances of the case, in the light of the submissions made in the Counter that the Police are seriously

investigating the matter to trace out the missing person and that the said missing person and the petitioner have also been involved in two criminal cases and the investigation is in progress. Therefore, there are no reasons to suspect the *bona fides* of the respondents in investigating the matter. Hence, the petition is to be disposed of directing the police to expedite the investigation for tracing the missing person.

With the above observation, this Writ Petition is disposed of.

Miscellaneous Petition, if any pending, in this case, shall stand dismissed.

Date: 16-04-2018
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GUDISEVA SHYAM PRASAD, J



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