

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.28925 OF 2018

ORDER

Petitioner filed private complaint in the court of Judicial First Class Magistrate, Mylavaram and the same was forwarded to the police vide CF. No.4542/2012. Aggrieved by the inaction of the 2nd respondent – Station House Officer, G.Konduru Police Station, Krishna District, in conducting investigation on the complaint of the petitioner in CF.No.4542 and filing report before the court, the present writ petition is filed.

Heard the learned counsel for the petitioner.

Learned Assistant Government Pleader for Home produced written instructions of Sub Inspector of Police, G. Kondur Police Station, Krishna District, stating that in pursuance of CF.No.4542 of 2012, case in Cr.No.241 of 2012 was registered on the file of G.Kondur Police Station against the accused for the offences punishable under Sections 447, 406, 468, 420, 509 read with 34 IPC and 120(b) of IPC and taken up the investigation. The investigation revealed that the complaint of the petitioner is civil in nature and suit in O.S.No.74 of 2011 on the file of Junior Civil Judge, Mylavaram, is pending adjudication between the petitioner and the accused. After obtaining permission from the Sub Divisional Police Officer, Nuzvid vide proceedings in C.No.606/Ref/SDO-N/2012 dated 31.12.2012, matter was closed as 'civil in nature' and that when the police tried the service notice, petitioner refused to receive the same.

Learned counsel for the petitioner disputed the service of notice. Learned Assistant Government Pleader for Home, during the course of arguments, handed over copy of notice to the counsel for the petitioner.

Recording the statement made in the written instructions, writ petition is disposed of, granting liberty to the petitioner to avail alternative remedies available under law.

Interlocutory applications pending, if any, shall stand closed. No costs.

A.RAJASHEKER REDDY,J

DATE:04—09—2018

AVS

