

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.3123 of 2017

ORDER:

The prayer in the writ petition is as under:

“to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring action of the Station House Officer, Gudur I Town Police Station, Gudur, S.P.S.R. Nellore District, respondent No.3 herein in not proceeding and completing the investigation in the crime in F.I.R. No.32 of 2009 dated 07-03-2009 is arbitrary, illegal, without jurisdiction and consequently direct the respondents 2 and 3 to proceed and complete the investigation in the crime in F.I.R. No.32 of 2009 dated 07-03-2009 of Gudur I Town Police Station, Gudur, S.P.S.R. Nellore District and pass...”

2. Heard the learned counsel for petitioner, and the learned Government Pleader for Home (A.P.) for the respondents 1 to 3 and Sri C.Subodh, learned counsel for respondent No.5. No proof of service is filed for notice sent to respondent No.4, but of sending is the deemed service and it is taken as heard and perused the prayer in the writ petition with supporting affidavit and the written instructions received by the learned Government Pleader for Home (A.P.)

3. It is the submission of learned counsel for the petitioner in support of the prayer in the writ petition from the affidavit averments that the police having registered Crime No.32 of 2009 not investigating the same despite eight years lapsed and not intimating the progress from 07.03.2009. It is the

submission by the learned Government Pleader for Home (A.P.) from the written instructions that the case is already referred as “Mistake of facts” on 28.02.2010.

4. On 23.04.2018, this Court directed the learned Government Pleader for Home (A.P.) to file proof regarding service of the referred report on the de-facto complainant before filing in Court or atleast immediately after its filing or while filing as the case may be, and no proof is submitted, but for saying received instructions about service only on 20.02.2017.

5. Having regard to the above for no such proof even filed and from the final report stated filed, this Writ Petition is disposed of and it is left open to the petitioner to raise protest by virtue of this order, if at all to file against that referred report, within fifteen (15) days from the date of receipt of a copy of this order, for the learned Magistrate concerned to entertain. No order as to costs.

Miscellaneous Petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

26.04.2018
MVA