

HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.34568 of 2018

ORDER:-

When the matter is taken up, the written instructions furnished by the Station House Officer, Sarpavaram P.S., East Godavari District, dated 25.09.2018, are placed on record by the learned Government Pleader. The said instructions read as under:-

“It is submitted that the petitioner herein has given a report on 10.08.2014 stating that the respondents No.4 to 7 herein cheated him by forging the document by utilizing it as genuine in purchasing a plot to an extent of 257 Sq.Yds., in Sy.No.35 of Ramanayyapeta village of Kakinanda, East Godavari District. He further stated that the 5th respondent herein colluded with the respondents 4, 6 and 7 herein and transferred the title of the said site in the name of his mother by taking advance of Rs.3.00 crores by executing sale deed basing on a fake Agreement-cum-GPA, dated 01.09.2007, thereby he was cheated at the hands of the respondents 4 to 7 herein.

It is submitted that based on the above report, a case in crime No.236/2014 u/s.419, 420, 468, 471 r/w 34 I.P.C., dated 10.08.2014 was registered against Guntupalli Babu Rao and others and took up for investigation. The accused are A1/Guntapalli Babu Rao, A2/Pedapati Malleswara Rao, A3/Kopiseti Venkata Ramana, A/4Velugubanti Gangababu and A.5/an unknown woman acted as Vesta Satya Kumari.

It is submitted that during the course of investigation, the petitioner/complainant was examined and recorded his detailed statement. LW.2/Chodiseti Sayamma, grandmother of the petitioner and LW3/Tadala Gangadhar, brother-in-law

of the petitioner were also examined and recorded their detailed tmts.

It is submitted that while the investigation in the above mentioned crime was in progress, the Accused No.4/Gangababu filed CrI.P.No.10574 of 2014 before this Hon'ble Court to quash the FIR No.236/2014 and the Hon'ble High Court initially granted stay of investigation in the FIR for a period of two weeks on 17.09.2014 and subsequently the said period was extended on 28.11.2014 and 06.12.2014. It is submitted that since the said Criminal Petition is still pending, under mistaken impression that the stay orders are continuing, the investigation in the FIR No.236 of 2014 has been kept in abeyance. It is submitted that after approaching the Government Pleader's Office, it is noticed that there are no interim stay orders subsisting. It is submitted that the Sarpavaram Police would complete the investigation in the crime and file appropriate report before the concerned Hon'ble Court within a period of two months."

Accordingly, the Writ Petition is disposed of, by placing on record the said instructions furnished by the Station House Officer, Sarpavaram P.S., East Godavari District, dated 25.09.2018, with a further direction to the respondent/authorities to complete the enquiry and file final report, if there is no stay subsisting as on today in Criminal Petition No10574 of 2014, as expeditiously as possible.

Miscellaneous petitions pending, if any, shall stand disposed of. There shall be no order as to costs.

A.V.Sesha Sai, J

Date:13.11.2018
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