

HON'BLE SRI JUSTICE A.V.SESHA SAI

Writ Petition No.34746 of 2018

ORDER:-

When the matter is taken up, the written instructions furnished by the Sub-Inspector of Police, Chaitanyapuri Police Station, dated 27.09.2018, are placed on record by the learned Government Pleader. The said instructions read as under:-

“On a complaint of Sri Shaik Zaheer/3rd respondent herein lodged with the police of Chaitanyapuri Police Station, a case in Cr.No.401/2018 under Sections 448, 379, 384 and 506 r/w 34 I.P.C., dated 07.07.2018, was registered against Mr.Muneer (writ petitioner herein) and others and taken up the investigation into the case.

The gist of the complaint of the complainant herein is that the complainant/3rd respondent herein is working as Manager in Anshu Motors Pvt.Ltd., Office at plot No.196, Shanta Arcade Building, Ground floor, Alkapuri Cross Roads, Alkapuri and one Mr.Sri Gorla Ajay Naidu is the Managing Director of the said company. The said company was running since last 9 years in the above address on rental agreement from Mr.Narsing. Subsequently, the complainant known that the petitioner/accused (A.1) who is the present owner had purchased the said premises two years back and depositing the rents in his account regularly on the instructions of the complainant. Prior to 01.07.2018, at about 1400 hours, on the instructions of the petitioner (A1), A.2-Mr.Muttu Ashok Kumar, trespassed into the premises of the Sri Gorla Ajay Naidu's Office by opening the locks of the shutters. They have taken away the office equipment, furniture, interiors, documents, cheques from the complainant's office premises with

the help of labours by trespassing into his office. When the complainant reached there on 01.07.2018 at about 1400 hours and questioned the same for which Mr.Muttu Ashok Kumar (A.2) threatened the complainant with dire consequences.

The writ petitioner herein is shown as A.1 in the F.I.R.

During the course of investigation, this respondent being the Investigating Officer examined as many as 3 witnesses and recorded their detailed statements.

As per the evidence, prima facie case is clearly made out that the accused including the petitioner (A1) have committed the offences punishable under Sections 448, 379, 384 and 506 r/w 34 I.P.C., beyond all reasonable doubt.

Basing on the evidence, the accused A.2 Mr.Muttu Ashok Kumar was arrested on 18.07.2018 and after following the due procedure, he was remanded to judicial custody. In the confessional statement, A.2 clearly stated that along with the petitioner (A1) and others, he has committed the offence including theft of documents etc., from the complainant's company.

A1-the petitioner herein is absconding.

It is pertinent to submit that when the investigating agency is trying to apprehend the remaining accused including the petitioner herein, the petitioner with a malafide intention mainly to escape from his criminal overt acts in the commission of offences, filed the present Writ Petition. Already, A.2 was arrested on 18.07.2018 and sent for remand and he confessed clearly that including A.1 and others, he has committed the offences.

It is pertinent to submit that the petitioner (A1) is required for the purpose of investigation into the case. Necessary steps will be taken against him, by following the due procedure. Some more evidence has to be collected from the petitioner (A1) in respect of the offences mentioned in the F.I.R. Instead of cooperating with the investigating agency, the petitioner filed the present Writ Petition. Unless the petitioner (A1) cooperates with the investigating agency, further steps cannot be taken into the investigation of the case.

It is humbly submitted that except proceeding with the investigation into the above case as contemplated under law, this respondent never interfered with the business activities of the petitioner herein as alleged.”

On noticing the same, a request is made by the learned Counsel for the petitioner to dispose of the Writ Petition by placing on record the above instructions.

Accordingly, the Writ Petition is disposed of, by placing on record the said instructions furnished by the Sub-Inspector of Police, Chaitanyapuri Police Station, dated 27.09.2018. Miscellaneous petitions pending, if any, shall stand disposed of. There shall be no order as to costs.

A.V.Sesha Sai, J

Date: 28.11.2018
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