

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.39284 of 2018

ORDER:

When the matter is taken up, written instructions dated 31.10.2018 furnished by the Sub-Inspector of Police, Nandipet Police Station, Nizamabad District are placed on record by the learned Government Pleader for Home.

To the extent of their relevance to the present writ petition, the said instructions read as under:

“One Smt.Sunkari Chinnakka/7th respondent herein w/o.Narasaiah, resident of Nikalpoor village approached the Police of Nandipet Police Station, Nizamabad District and lodged a complaint on 27.10.2018 stating that she is having one house bearing H.No.2-70 by the side of road leads from Panchayat Office to Donkeshwar village and the said road is in use since 30 years and the road was developed under Prime Minister Sadak Yojana in the yea 2016 and that since one month her locality persons Kodicherla Naveen, Kodicherla Yohan, Post Gangadhar, Sirimalle Suresh with an intention to merge the said road into their house plots and damaged the road by laying cement poles and thorn bushes and obstructing the flow of traffic and that although she informed orally to remove the bushes, they are not removed and the same from the road as such they are facing problem and hence requested the police to take necessary action as per law..

Basing on the contents of the above complaint, a case in Cr.No.146/2018 U/secs.341, 427 r/w 34IPC and Sec.3 of the Prevention of Public Property Damages Act dt.27.10.2018 was registered against the petitioners herein and others and taken up the investigation into the case.

During the course of investigation, this respondent being the investigation officer examined the complainant/7th respondent and some other witnesses and recorded their detailed statements.

As per the evidence collected so far, prima facie case is clearly made out that the petitiones/accused have committed the offences mentioned in the FIR beyond all reasonable doubt.

It is submitted that the investigation is under progress. It is pending for want of gathering of some more evidence.

It is pertinent to submit that on coming to know the lodging of the above complain, with a malafide intention and having bore grudge against the unofficial respondents herein and also to divert the attention of the investigating agency in not taking any action while conducting investigation into the case, rushed to this Hon'ble Court and filed the present writ petition.

It is also pertinent to submit that the petitioners/accused are required in connection with the above case. Action will be taken against them by following the due procedure.

It is submitted that the allegation of the petitioner that this respondents 3 and 4 are harassing them by calling to the police station and office and demanding them to settle the civil dispute at the instigation of the unofficial respondents 5 to 7 is absolutely false, baseless and hence denied.

It is pertinent to submit that action will be taken against the petitioners/accused depending on the evidence, at this juncture, if any orders are passed taking advantage of the same, the petitioners may not cooperate with the investigating agency, thereby, fair and impartial investigation cannot be proceeded with.

A copy of the FIR is annexed to this written instructions for the kind perusal of the Hon'ble Court."

On noticing the above instructions, a request is made by the learned counsel for the petitioner to place the said instructions on record and dispose of the writ petition.

Accordingly, the writ petition is disposed of by placing on record the written instructions dated 31.10.2018 furnished by the Sub-Inspector of Police, Nandipet Police Station, Nizamabad District. There shall be no order as to costs.

Miscellaneous Petitions pending consideration, if any, in this Writ Petition shall stand closed.

JUSTICE A.V.SESHA SAI

Date :01.11.2018
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