

HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.42094 of 2018

ORDER:-

When the matter is taken up, the written instructions furnished by the Sub-Inspector of Police, Anakapalle (T) Police Station, Visakhapatnam Rural District, dated 22.11.2018, are placed on record by the learned Government Pleader. The said instructions read as under:-

“It is submitted that the petitioner had lodged a complaint on 10.08.2018 with the Station House Officer, Anakapalle Town Police Station, against one Surya Sathish Cable TV and others with regard to wrongfully gained entrance into their house as a village elders and they theft the site documents papers, on seeing by the complainant and his wife they pushed them and went away from the place which was occurred on 09.08.2018 at Boggarapuvari Street, Anakapalli. Basing on the report of the petitioner, a case was registered as Cr.No.176/2018, dated 10.08.2018, for the offences under Sections 448, 352, 379 r/w 34 I.P.C., against the said Surya Sathish Cable TV and others on the file of Anakapalli Police Station and investigation had been taken up.

It is submitted that during the course of investigation as many as (14) witnesses were examined and recorded their detailed statements. The investigation conducted revealed that the complainant purchased the land from one Sridarala Manikyam and during the time of purchasing the land a car shed is also situated adjacent to his place which is under the possession of one Sridarala Satyanarayana. After HUD-HUD the car shed was got completely dismantled. On 09.08.2018, the complainant tried to encroach into the car shed by breaking the car shed locks in the name of leveling his place along with car shed with JCB. When the said Sridarala Satyanarayana came to know about the matter then he along with his family members and others went to the place and caused obstructions. Then the complainant stated that he is having land documents. When the village elders asked to show about the documents then the complainant with pre-plan along with others entered into the house, bed room and opened a file and started taking with unnecessarily topic, but the complainant did not show the said document. The

complainant leveled false allegation that the village elders committed theft of the said document. As such the complainant lodged false complaint against the accused. In this connection, the Sub-Divisional Police Officer, Anakapalli, accorded permission to refer the case as "False" vide C.No.330/Refer/SDPO-AKP/2018, dated 22.10.2018. After serving the notice to the complainant, the final report as "False" will be filed before the concerned Hon'ble Court.

It is submitted that the contention of the petitioner that the 2nd respondent Station House Officer, Anakapalle Town Police Station, Visakhapatnam Rural District, did not conduct and complete the investigation in Cr.No.176/2018, dated 10.08.2018, for the offences under Sections 448, 352, 379 r/w 34 I.P.C., is incorrect, baseless, far from truth and has been created for the purpose of filing the present Writ Petition. It is submitted that the Investigating Officer conducted the investigation in an impartial and sincere manner and revealed that the complainant lodged false complaint against the accused."

Accordingly, the Writ Petition is disposed of, by placing on record the said instructions furnished by the Sub-Inspector of Police, Anakapalle Town Police Station, Visakhapatnam Rural District, dated 22.11.2018. However, it is open for the petitioner herein to avail the other remedies open, in accordance with law.

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

A.V.Sesha Sai, J

Date:20.12.2018
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