

HON' BLE Dr. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.40357 of 2017

ORDER:

Heard the learned counsel for the petitioner and the learned Govt. Pleader for Home on behalf of the respondents 1 to 6 before ordering notice to the unofficial respondents 7 to 9-the so called accused persons and perused the prayer in the writ petition with the supporting affidavit and the written instructions of the learned Govt. Pleader.

The prayer in the writ petition reads as follows:-

“to issue a writ order or direction more particularly the nature of writ of Mandamus questioning the inaction of the Respondents No 2 to 6 not register the FIR upon the complaint lodged by the petitioner on 09-03-2017 which was sent through fax by the Petitioner as arbitrary illegal unfair unjust and violative of Article 14 & 21 of the Constitution of India and consequently direct the Respondent No 2 to 5 register the FIR and conduct the investigation against the Respondent No 6 and his assistants by Respondent No 8 and 9 and other 60 unknown persons under the provisions of SC/ST (POA) Act 1989 and other provisions of I P C as per the petitioners complaint and pass such other order or orders”

The supporting affidavit averments of the writ petitioner show that despite written report dt.09.03.2017, there is inaction on the part of the respondents 4 to 6 in particular though mentioned as if respondents 2 to 6 in not registering the FIR and not conducting investigation in this regard in saying at the instance and influence of the unofficial respondents 7 to 9.

Whereas, it is the submission from the written instructions by the learned Govt. Pleader that the respondents 1 to 6 that pursuant to the report, Cr.No.61 of 17 was registered immediately after making G.D.entry on 11.03.2017 for the offences punishable u/ secs.324 and 506 r/w 34IPC and in the course of investigation, added the Section of law u/ sec.3(2)(va) of the SC/ ST POA amended Act and the investigation therefrom taken up by the Sub Divisional Police Officer, Kodad Division

at the instructions of the Superintendent of Police, Suryapet District and it is further in the course of his investigation in relation to the property dispute, letters were addressed to the Tahsildar, Mattampalli Mandal for furnishing ownership particulars and present possessor of the disputed land and the case is under progress of investigation and final report is going to be filed soon.

Having regard to the above, the Writ Petition itself is disposed of directing the police to complete investigation and file final report with intimation of progress to the writ petitioner within three months from the date of receipt of the order.

Consequently, miscellaneous petitions, if any, pending in this writ petition shall stand closed.



Dr. B. SIVA SANKARA RAO, J

Dt.26.04.2018
b/ o.vvr