

**THE HONOURABLE SRI JUSTICE P. KESHA VA RAO**

**WRIT PETITION No.24737 of 2014**

**ORDER:**

Heard learned counsel for the petitioners as well as learned Government Pleader appearing for the respondents 1 to 3.

2. The prayer sought in the writ petition is as under:-

“...to issue an appropriate Writ more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 2 and 3 in not investigating the Crime No.185 of 2014, registered under Section 420, 120-B IPC r/w 34 IPC of 3<sup>rd</sup> respondent and not arresting the respondents 4 to 9, as illegal, arbitrary and violative of principles of natural justice and consequently direct the respondents 2 and 3 to forthwith initiate necessary action against the respondents 4 to 9, and to pass such other order or orders as this Hon’ble Court deems fit and proper in the circumstances of the case.”

3. Learned Government Pleader appearing for the respondents brought to the notice of this Court that when they were proceeding with the investigation, pursuant to registration of Crime No.185 of 2014 for the offences under Sections 420 and 120-B read with 34 IPC, the accused in the said crime i.e., the respondents 4 to 9 herein, filed Crl.P.No.4303 of 2015 and obtained interim stay of all further proceedings. In that view of the matter, they are not able to proceed with the investigation.

4. At this stage, learned counsel for the petitioners also brought to the notice of this Court that the petitioners filed a suit against the

respondents 4 to 8 in O.S.No.1466 of 2006 and in the said suit, the petitioners have obtained an injunction order and the same is in force.

5. In that view of the matter, this Court is of the opinion that the matter is purely civil in nature. Further, unless and until the interim stay obtained by the accused in Crime No.185 of 2014 is vacated, the respondents 2 and 3 cannot be expected to proceed with the investigation. In these circumstances, this Court is of the opinion that no further cause would survive in the writ petition and the same is liable to be closed.

6. Accordingly, the writ petition is closed. However, liberty is given to the petitioners to raise all the grounds in CrI.P.No.4303 of 2015 pending before this Court.

As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

4<sup>th</sup> December 2019

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**P. KESHAVA RAO, J**