

THE HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.5906 of 2013

ORDER:

There is no representation on behalf of the petitioner.

The prayer sought for in this writ petition is as under:

“...to issue writ order or direction more particularly in the nature of writ of mandamus directing the Respondent No 1 not to harass the Petitioner by summoning the Petitioner to P.S. or visiting the residence of the petitioner and compelling him to withdraw the criminal case filed by him against the Respondent No 5.”

The respondent No.1 filed counter affidavit denying the averments made in the affidavit filed in support of the Writ Petition and contended *inter alia* that on a complaint lodged by the petitioner, a case in Cr.No.278 of 2012 for the offences punishable under Sections 419, 420, 468 and 471 IPC was registered on the file of the 1st respondent on 20.04.2012 against the 5th respondent herein and investigation was taken up. The 5th respondent is none other than the brother of the petitioner and he was the sole accused in the above said crime. However, the investigation is pending for want of obtaining report from the FSL authorities and as soon as the report is received, a final report under Section 173 Cr.P.C will be filed before the concerned Court. It is also stated in the counter affidavit that at no point of time, the 1st respondent asked or compelled the petitioner to withdraw the criminal case in Cr.No.278 of 2012. In fact due to the grudge against the 5th respondent i.e. his own brother on whose complaint a case in Cr.No.101 of 2013 was registered, the petitioner with *mala fide* intention, filed the present Writ Petition with baseless allegations.

Though the counter affidavit is filed by the 1st respondent, there is no reply affidavit forthcoming from the petitioner rebutting the averments made in the counter affidavit. Therefore, this Court is of the view that no further cause would survive in the Writ Petition and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No costs. Miscellaneous petitions pending if any, shall stand closed.

JUSTICE P. KESHA RAO

Date: 30.09.2019
Vvr



THE HONOURABLE SRI JUSTICE P. KESHA RAO



WRIT PETITION No.793 OF 2008

Date: 30.09.2019