

HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION NO.4049 OF 2020

ORDER:

The present writ petition is filed under Article 226 of the Constitution of India seeking for issuance of a writ in the nature of mandamus to the respondents in not investigating and taking action in pursuance of a case registered in Crime No.71 of 2018 dated 15.05.2018, as being illegal and arbitrary.

2. The matter is listed hearing today through video conferencing. Heard learned Counsel appearing for the petitioner and learned Assistant Government Pleader for Home.

3. Learned Counsel for the petitioner submits that, despite a lapse of time of nearly two years after the petitioner making a complaint and the 4th respondent authority registering the crime, no action has been taken and no charge sheet is filed in the above crime registered, before the concerned Court in the matter.

4. Learned Assistant Government Pleader for Home, on written instructions a copy of which is placed on record through e-mail, while denying the allegations made in the writ affidavit, submits that after registering a case in Crime No.71 of 2018 for the offences under Sections 447, 427, 379 read with Section 149 IPC by the 3rd respondent of the 4th

respondent authority, the respondent authorities took up investigation and in the course of such investigation, L.Ws-1 to 5 were examined and recorded their detailed statements.

5. By the said written instructions, it is further stated that, though the petitioner also sent the representation to the 2nd respondent which has been forwarded to the 3rd respondent, the petitioner-complainant did not approach the 4th respondent police station for enquiry and necessary action.

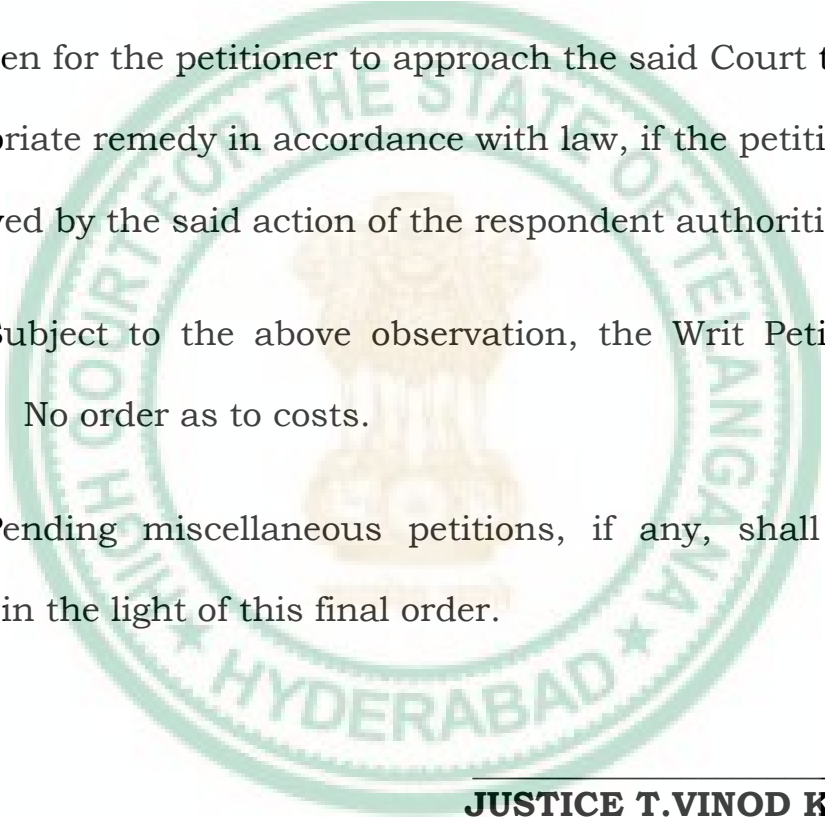
6. By the said written instructions, it is also stated that in the course of investigation, it revealed that there are civil disputes before various courts with regard to the land in respect of which the petitioner had made complaint against the person named in the complaint of removing construction material therefrom. The 3rd respondent authority after registering the crime and upon the investigation revealing the existence of civil dispute between the petitioner and the person named in the complaint, the respondent authority after obtaining permission vide C. No.215/ACP-B/19, dated 29.09.2019, filed final report before the 1st Additional Judicial Magistrate of First Class at Mancherla on 30.09.2019. It is also stated that when the 3rd respondent sought to inform the petitioner of the filing of the final report in the FIR No.71 of 2018 at the given address, the petitioner was not available and, as such, the petitioner was communicated of the filing of

the final report in FIR No.71 of 2018 by registered post on 26.02.2020. Thus, the claim of the petitioner to the contrary, are all denied.

7. Having regard to the above said submission made by the learned Assistant Government Pleader, on the basis of the written instructions, since a notice has been issued to the petitioner informing of the filing of the final report in the FIR No.71 of 2018 before the concerned jurisdictional Magistrate, it is open for the petitioner to approach the said Court to avail appropriate remedy in accordance with law, if the petitioner is aggrieved by the said action of the respondent authorities.

8. Subject to the above observation, the Writ Petition is closed. No order as to costs.

9. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.



JUSTICE T.VINOD KUMAR

Date: 01.05.2020

MRKR