

THE HON'BLE SRI JUSTICE N.V. RAMANA

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W.P. No. 23911 of 2010

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Oral order:

M/s. Noble Enterprises, represented by its partner, states that he is the owner of the land in an extent of As.135.52 cents of land in different survey numbers situated at Sudhanagar, Parigi Gram Panchayat, Hindupur, having purchased the same under registered document dated 17.12.2007 from M/s. Rassai Properties and Industries Limited, who in fact, purchased the same from M/s. Nizam Sugars Limited, and that since the date of purchase he is in possession and enjoyment of the same. While so, he states that about 15 days back and on 20.09.2010 and 23.09.2010, some persons claiming to be ex-employees of M/s. Nizam Sugars Limited along with anti-social elements, attacked their security men and staff, demolished the security room and compound wall and also prevented his employees from entering into the premises. And that even though, he lodged complaints dated 20.09.2010 and 23.09.2010 and also sent the same by way of registered post, requesting the respondents to take action against the culprits and provide police protection, no action thereon had been taken. Hence, the petitioner filed the present writ petition to take appropriate action against the culprits and provide police protection to their property and persons.

Respondent No.2 filed counter. As the counter filed by him did not properly explain the reasons for not registering any crime and not taking any action on the complaints of the petitioner, this Court directed his appearance along with the record on 08.10.2010. As directed, respondent No.2 appeared before the Court along with the record, and submitted that upon receipt of the complaints, he made entry in the General Diary, but he was unable to give any reason why he has not taken action on the complaint, even though the complaints disclosed commission of offences punishable under the Indian Penal Code. He, however, agreed to take action on the complaints given by the petitioner. On 01.11.2010, when the matter was taken up, the learned Government Pleader for Home submitted that FIR was registered. However, the learned counsel for the petitioner submitted that pursuant to registration of the FIR no action was taken. On 08.11.2010, the

learned Assistant Government Pleader for Home on instructions submitted that some of the accused in the crime were arrested, but the request of the petitioner for removal of gates cannot be provided. However, as it was submitted by the learned counsel for the petitioner that the respondents have not provided police protection, this Court directed respondent No.1, namely the Superintendent of Police, Anantapur, to examine the whole issue and file a detailed counter affidavit.

As directed by this Court, respondent No.1 filed counter stating that he summoned respondent No.2 and that after examining the records he found that based on the complaint of the petitioner, a case in Crime No. 74 of 2010 for the offences punishable under Sections 143, 447, 427, 341, 506 r/w 149 IPC was registered on the file of Parigi Police Station on 15.10.2010, and that respondent No.2 during the course of investigation, examined as many as six witnesses, and arrested A2, A5, A6, A7, A9, A10 and A11 on 07.11.2010 and produced them before the Magistrate concerned, who remanded them in judicial custody, and that A1, A3, A4, A8 and A12 are yet to be arrested and that they are making their all out efforts to arrest them. That he has also instructed the Sub-Divisional Police Officer, Penukonda, to enquire into the non-registration of the complaint lodged by the petitioner and submit report. That he has also instructed respondent No.2 to complete the investigation and file appropriate report before the Magistrate concerned and also provide necessary police protection to the petitioner as and when sought for by them, and assured the Court that he will monitor the investigation of the case.

Since the respondents have taken action on the complaint of the petitioner, as is evident from the averments made by respondent No.1 in the counter, which are extracted above, no further orders need be passed in the writ petition.

Accordingly, the writ petition is closed. No costs.

N.V. RAMANA, J.

Dated: 25th November, 2010
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