

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.25183 OF 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue a Writ of Mandamus or order or direction declaring the inaction on the part of the 2nd Respondent/Investigating Officer in not concluding the Investigation in accordance with Law in Crime No.426 of 2015 as per the direction of the Hon'ble XIV Additional Chief Metropolitan Magistrate, Nampalli, Hyderabad to Investigate and Report vide Orders passed in CC Sr.No.735 of 2015 dt.8th May, 2015 as illegal and violative of Fundamental Rights guaranteed under Article 19 and 21 of the Constitution of India and consequently Direct the 2nd Respondent to expedite Investigation duly taking the 3rd and 4th Respondents herein into Custody as per the observations made by the Hon'ble Session Judge in Bail Petition No.2005 of 2015 dt. 15th July, 2015 and thereby Complete the Investigation in accordance with Law and to pass such other order or orders as this Hon'ble Court may deems fit just and proper in the circumstances of the case.”

2. Heard Sri G.V.Gangadhar, learned counsel for the petitioner and learned Government Pleader for Home appearing for the respondents.

3. The grievance obviously in the present writ petition is inaction on the part of the respondent police authorities in concluding the investigation in Crime No.426 of 2015 registered for the alleged offences under Sections 403, 406, 417, 420, 427, 120-B IPC read with 156(3) Cr.P.C. against respondents 3 and 4.

4. The Inspector of Police, Punjagutta Police Station, Hyderabad, has filed counter affidavit stating that upon receiving the complaint, police registered Crime No.426/2015 against the respondents 3 and 4 and took up the investigation and during the course of investigation

police examined the complainant and recorded his detailed statement. The said counter further states that on 04.08.2015, a requisition was made to the Registrar of Companies, Hyderabad, requesting to provide the original documents relating to the subject matter for the purpose of investigation and the same is pending and it is also stated in the said counter that the requisition was filed before the Hon'ble XIV Additional Chief Metropolitan Magistrate, Hyderabad, vide S.R.No.2671/2015, praying the court to issue summons to the complainant/petitioner herein for collection of his specimen signatures in the open court for comparison with the forged signatures on the documents for analysis at Forensic Science Laboratory, Hyderabad and the same is pending consideration before the said court. The counter affidavit further avers that the matter is under instigation for want of examination of witnesses and fair and impartial investigation is under hectic progress and necessary steps will be taken against the accused persons basing on the evidence adduced during the course of investigation. It is also stated that unless the petitioner herein cooperates with the investigating agency by producing the original documents it cannot be proceeded with speedily.

5. On the otherhand, it is submitted by the learned counsel for the petitioner herein that the respondent police authorities are proceeding with the investigation very slowly and the learned counsel has requested this court to direct the respondent police authorities to expedite the investigation.

6. In view of the above, writ petition stands disposed of, directing the respondent police authorities to expedite the investigation and file a final report in Crime No.426/2015 before the court concerned, as expeditiously as possible.

7. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI,J

14th September, 2015

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