

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

TUESDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

&

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CONTEMPT CASE No.388 of 2013

In

W.P.No.4249 of 2007

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Between:

Shaik Rajia Bee

..... PETITIONER

AND

Chndra Shekar Reddy and 2 others

.....RESPONDENTS

The Court made the following:

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

&

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CONTEMPT CASE No.388 of 2013

In

W.P.No.4249 of 2007

ORDER: (per Hon'ble Sri Justice G.Chandraiah)

The contempt case is filed complaining that the respondents have failed to comply with the order of this Court passed in W.P.No.4249/2007, dated 09.04.2007, whereunder and whereby this Court directed the Investigating Officer to expedite the investigation on the report lodged by the writ petitioner with regard to missing of her husband Shaik Hussain Basha.

The writ petition was filed seeking issuance of a writ of habeas corpus for production of Shaik Hussain Basha, aged 42 years, Auto Driver, resident of Tartur village, Japadu Bungalow Mandal, Kurnool District forthwith.

The case of the writ petitioner is that her husband Shaik Hussain Basha was missing. On her complaint, a case in Cr.No.106/2006 was registered and the investigation was pending. Since no action was taken on her complaint, she filed the writ petition. In the counter filed by the respondents, it is stated that on the report of the writ petitioner a case in Cr.No.106/2006 was registered under the head of "man missing" and in continuation of the investigation, special parties have been deputed in and around Kurnool District to trace out the missing person and look out notices have also been printed and circulated to all the police stations in the District and in the neighbouring districts. In the meanwhile, the suspects have been taken into custody for the purpose of investigation. On the report given by the wife of one of the suspects, a case in Cr.No.5/2007 under Sections 342 and 324 IPC read with Section 156(3) Cr.P.C was registered on 16.01.2007 against the A.S.I of Police, Jupadu Bungalow Police Station and investigated into. Therefore, the question of inaction on the part of respondents does not arise.

Having taken into consideration the submissions of the respondents, this Court by order dated 09.04.2007 disposed of the writ petition in view of the pendency of the crime under the head of "man missing" and directed the investigating officer to

expedite the investigation in tracing out the missing man.

Complaining that the said direction was not implemented, the present contempt case is filed. This Court issued notice to the respondents on 19.07.2013. On 31.03.2015 the matter was adjourned directing the Superintendent of Police, Kurnool District to file counter.

Today, when the matter is taken up for hearing, the learned counsel, representing the learned Advocate General filed a copy of proceedings of the Sub-Divisional Police Officer, Atmakur in C.No.308/SD-ATR/2014, dated 04.11.2014 along with the final report of the Sub-Inspector of Police, Jupadu Bungalow P.S. stating that their efforts made futile and there is no hope of tracing the missing man in future, and the case has been treated as “undetectable”.

Learned counsel for the petitioner submitted that though the final report is filed, he submitted that the petitioner may be permitted to withdraw the present contempt case with liberty to work out her remedies, in accordance with law.

Permission is accorded.

Accordingly, the Contempt Case is dismissed as withdrawn, with liberty as sought for. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

G.CHANDRAIAH,J

M.S.K.JAISWAL,J

Date: 21.04.2015

Dsr

