

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

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WRIT PETITION No.15179 OF 2015

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ORDER:

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

“to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus by declaring the action of the Respondents more particularly the Respondent No.3 in deliberately omitting the name of the Respondent No.4 in Crime in FIR No.357/2015, dt.13.05.2015 and not arraying him as Accused No.8 in the said crime as arbitrary, discriminatory, ex-facie illegal, dereliction of duty and highhanded and consequently this Hon'ble Court may be pleased to direct the Respondent No.3 to register the said crime against the Respondent No.4 by arraying him as Accused No.8 by conducting proper investigation in the interest of justice and may pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. When the matter is called today, written instructions dated 22.06.2015 furnished by the Sub Inspector of Police, Kukatpally Police Station, have been placed on record by the learned Government Pleader for Home. In the said instructions, it is stated as follows:

“It is true that in the FIR, the following names were shown as accused A1 Mr.Syed Mustafa Ali, 2)M.K.Moinuddin, 3)M.K.Nazeeruddin, 4)M.K.Naseeruddin, 5)Rizwana Sultana, 6)Rafat Sultana, 7)Rehna Sultana.

Due to oversight, the name of the 4th respondent herein was not shown as accused A8 in the FIR.

It is humbly submitted on coming to know the filing of the present writ petition by the petitioner herein, this respondent know the mistake and immediately a requisition is going to be filed before the concerned Hon'ble Court praying to implead the 4th respondent herein as Accused A8 in the FIR.

I humbly submit that already in the FIR, it was clearly mentioned that all

the accused including A8 (4th respondent herein) cheated the complainant. But due to oversight, the name of the 4th respondent herein was not mentioned in the FIR which is neither wilful nor wanton for which I seek pardon of this Hon'ble Court. I assure to this Hon'ble Court that such mistakes do not recur in future.

I humbly submit that impartial investigation is under hectic progress. Basing on the outcome of the investigation, an appropriate report U/sec.173 Cr.P.C. will be filed as expeditiously as possible. Having bore grudge against the accused including the 4th respondent (A8) herein, the petitioner made baseless allegations against the investigating agency."

3. On noticing the said instructions, learned counsel for the petitioner requested this court to dispose of the writ petition by recording the said instructions.

4. In view of the above submission and the written instructions made available before this court by the learned Government Pleader for Home, Writ Petition is closed, by recording the written instructions dated 22.06.2015 furnished by the Sub Inspector of Police, Kukatpally Police Station. It is also made clear that the respondents/police authorities shall proceed in accordance with law.

5. 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

03rd August, 2015

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