

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

MONDAY THE TWENTYFIRST DAY OF SEPTEMBER
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 28773 OF 2015

-

Between:

Sri Sabapathi Krishnamurthy Sarma ... Petitioner

Vs.

The State of Telangana
Represented by its Prl.Secretary,
Home Department,
Secretariat, Hyderabad & Ors. ... Respondents

Counsel for the Petitioner: Sri J.C. Francis

Counsel for the Respondents: GP for Home [TG]

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 28873 OF 2015

ORDER:

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

“To declare the inaction of the respondent No.2 herein in not taking necessary steps to investigate into Cr.No.405 of 2008 as illegal, contrary to law and judicial precedents and be pleased to pass orders as the court deems fit and consequently to direct the respondents herein to file charge sheet by investigating into the same and to pass such other suitable orders as this court may deems fit and proper in the circumstances of the case.”

2. Heard Sri J.C. Francis, learned counsel for the petitioner and the learned Government Pleader for Home for the respondents.

3. When the matter is called, written instructions furnished by the Sub-Inspector of Police, Amberpet Police Station, Hyderabad have been placed by the learned Government Pleader for Home for the respondents.

3. The written instructions, reads as under:

“It is submitted that the writ petitioner filed private complaint before the Hon’ble IV Additional Chief Metropolitan Magistrate, Hyderabad and on reference, the same was registered as FIR.No. 405 of 2008 under sections 406, 417, 465, 468, 120-B, 34 IPC r/w 156 Cr.P.C. on 27/9/2008. The case of the complainant is that the banks have sanctioned loans to some persons based on fabricated

documents relating to his property, as collateral security. His complaint is that he did not offer his property as collateral security.

It is submitted that the then Sub-Inspector of Police, Amberpet Police Station examined the complainant and recorded his statement and collected certain documents from him. The complainant failed to produce the witnesses and other documents to prove the offence against the alleged accused persons. On enquiry, it was revealed that the writ petitioner already filed OS.No. 2190 of 2007 before the Hon'ble VII Senior Civil Judge, City Civil Court, Hyderabad. Since, the writ petitioner failed to produce the witnesses and documents and the investigation revealed that this is a matter of civil nature and as already suit OS.No.2190 of 2007 was pending, the then Sub-Inspector of Police sought the permission of the Asst.Commissioner of Police, Malakpet Division through letter dated 24/10/2008 for referring the case as civil in nature. The Asst.Commissioner of Police, Malakpet Division accorded permission on 30/11/2008 for referring the case accordingly. It is submitted that final report referring the case as civil in nature is yet to be filed. Police are taking steps to file the same before the concerned court in a short time. Therefore, the allegation that the police have not taken any steps pursuant to registration of FIR.No. 405/2008 is false, baseless and denied. The writ petitioner without knowing the true facts, filed this writ petition making false allegations against the police.”

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

5. In view of the above, the writ petition is disposed of by

recording the written instructions furnished by the Sub-Inspector of Police, Amberpet Police Station. No costs.

6. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE A.V.SESHA SAI

21/09/2015
I s L

HONOURABLE SRI JUSTICE A.V. SETHA SAI

—

1/0
ati
as