

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

WRIT PETITION NO.27672 OF 2011

Between:

Mohd Iqbal

... Petitioner

and

The State of Andhra Pradesh, rep. by the
Principal Secretary, Home Department,
Secretariat, Hyderabad, and others.

... Respondents

DATE OF JUDGMENT PRONOUNCEMENT : 31st JULY, 2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE SANJAY KUMAR

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| 1. | Whether Reporters of Local newspapers may be allowed to see the judgment? | Yes/No |
| 2. | Whether the copies of judgment may be marked to Law Reporters/Journals | Yes/No |
| 3. | Whether their Lordship wishes to see the fair copy of the judgment? | Yes/No |

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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ORDER

The grievance of the petitioner was that the police authorities were not taking any action upon his representations dated 08.09.2011, 12.09.2011 and 29.09.2011. By way of these representations, the petitioner, claiming to be the General Secretary, Subhash Chandra Bose Nagar Welfare Society, stated that he and 19 others had filed private complaints before the learned IX Metropolitan Magistrate, Cyberabad, against the culprits who were involved in the demolition of their houses in violation of Court orders and requested the police authorities to take action in the matter as per law.

The Inspector of Police, Miyapur Police Station, Cyberabad Commissionerate, the fifth respondent, filed a counter-affidavit furnishing the details of the twenty cases registered on the file of the Miyapur Police Station on the basis of the complaints said to have been made by the petitioner herein and others. However, upon due investigation, the police authorities filed final reports before the competent criminal Court referring the cases as of a civil nature. Details were furnished as to the S.R. Number of the final report filed in each case and the date of such filing. So far as the petitioner is concerned, his complaint resulted in registration of Crime No.332 of 2011 under Sections 384, 420, 448, 468, 506 and 120B IPC read with Section 34 IPC. The final report as regards his case was filed under S.R.No.5769 of 2011 on 18.07.2011. Significantly, the other complainants, on the basis of whose complaints the other 19 cases referred to in the counter

were registered, are not before this Court. As they filed individual complaints, the cause relating thereto is personal to them and the petitioner cannot espouse their cause before this Court.

Sri Asadullah Shareef, learned counsel, contended that intimation was not given to the petitioner as to the filing of a final report. The counter filed by the fifth respondent is silent as to this aspect. However, as the final report under Section 173 Cr.P.C. has already been filed by the police authorities before the competent criminal Court, it is for the petitioner to take recourse to appropriate remedies available to him in law before the said Court if he is aggrieved by the final conclusion arrived at by the police authorities. In that process, it would also be open to the petitioner to raise the issue as to whether the police authorities failed to abide by the prescribed procedure while filing such final report.

Reserving liberty to the petitioner to file a protest petition before the competent criminal Court, the writ petition is dismissed. Pending miscellaneous petitions, including the implead petition in WPMP No.36754 of 2011, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

31st JULY, 2015

PGS