

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

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WRIT PETITION NO.30605 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 declare the in action of the respondents 1 to 4 in not considering the petitioners’ representation, dated 12-08-2015 endorsed by the respondent No.2 in registering FIR against the respondent No.5 and his henchmen as illegal arbitrary and consequently direct the official respondents to take appropriate action on the representation, dated 12-08-2015 made by the petitioners in accordance with law.”

2. Heard Mr.M.A.K.Mukheed, learned counsel appearing for the petitioners and the learned Government Pleader for Home.

3. When the matter is called today, written instructions, dated 13-10-2015 furnished by the Sub-Inspector of Police, Miyapur Police Station, Cyberabad Commissionarate have been placed on record by the learned Government Pleader. The said instructions read thus:

“The petitioner herein had sent a petition, dated 12.08.2015 to this respondent police station through post stating that he is the owner of plots bearing No.93, 94,95, admeasuring about 1000 sq. yards in land Survey No.78 of Hafeezpet Village, and he is in possession since 2009. In the month of June, 2015 the accused Sathish Goud and his associates criminally trespassed into the above plots, threatening and vacate the plots even after having injunction order vide I.A.No.1557 in O.S.No.1261 of 2009 against the accused and his associates restraining them not to interfere in to said plots. Hence, he requested the police to take necessary action as per law.

Upon receipt of the said complaint, immediately, an entry was made into the Station General Diary stating that after conducting preliminary enquiry into the matter, action will be taken on it.

It is submitted that after conducting preliminary enquiry into the matter, a case in Crime No.669 of 2015 under Section 447, 506 and 188 IPC was registered on the file of Miyapur Police Station, Cyberabad Commissionerate on 12.10.2015 and investigation was taken up.

It is respectfully submitted that the investigation is at the preliminary stage. Necessary steps will be taken against the 5th respondent accused in the FIR depending on the evidence adduced during the course of investigation and an appropriate report under Section 173 Cr.P.C. will be filed before the concerned Hon'ble Court at the earliest by following the due procedure.

It is pertinent to important to note that almost all the averments made in the affidavit filed in support of the writ petition are the subject matter of investigation in Cr.No.669 of 2015 for which a detailed investigation is under hectic progress.

I humbly submit that after conducting preliminary enquiry the above case was registered and in the meanwhile some delay had occurred which is neither wilful nor wanton for which I seek pardon of this Hon'ble Court.

I humbly submit that I assure to this Hon'ble Court that the investigation will be completed as expeditiously as possible. Action was taken on the complaint of the petitioner herein by registering an FIR No.669 of 2015 and hence, the writ petition deserves no consideration."

4. On noticing the said instructions, it is requested by the learned counsel for the petitioners to dispose of the writ petition by recording the 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, Miyapur Police Station, Cyberabad Commissionerate. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

A.V.SESHA SAI, J

DATED: 13-10-2015

Hsd