

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.2288 of 2015

BETWEEN

K.Jithender

... PETITIONER

AND

The State of Telangana, rep. by its Principal Secretary and others

...RESPONDENTS

The Court made the following:

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ORDER:

Heard.

2. Petitioners are accused in crime No.841 of 2014 dated 10.09.2014, which is presently stated to be under investigation by the Assistant Commissioner of Police, Rajendranagar Police Station, Cyberabad. Petitioners state that at their instance, a survey was conducted on the allegation of encroachment of Ac.0-30 guntas of Government land in survey No.12 of Upparpally Village of Rajendra Nagar Mandal and vide report of the Assistant Director of Survey and Land Records addressed to the Deputy Collector and Tahsildar, Rajendra Nagar Mandal, dated 09.10.2013, encroachment on the said Government land by respondent No.7 was

confirmed in the combined survey sketch. Subsequently, an eviction order is stated to have been passed against respondent No.7 under A.P.Land Encroachment Act. While so, since the action against the encroachment by respondent No.7 was taken up at the instance of the petitioners, it is alleged that petitioners were falsely implicated in crime No.841 of 2014. Petitioners state that they tried to bring all the aforesaid facts to the notice of the Collector under detailed representation dated 09.12.2013 and this was also brought to the notice of the Commissioner of Police under representation of the petitioner, dated 16.12.2014. Present writ petition is, therefore, filed questioning registration of the said crime without making preliminary enquiry and consequently quashing of the said FIR.

3. Instructions received by the learned Government Pleader from the investigating officer show that petitioners herein are A1 and A2 in the said crime and the investigating officer has already sought call details of the petitioners with regard to the tower location in respect of mobile numbers of the complainant as well as petitioners and the investigation in other respect is stated to be almost completed.

4. The allegations of the complaint, *prima facie*, show commission of offence and, as such, investigation in the said crime was necessary. Since a responsible senior officer is investigating the said crime, at this juncture, I am not inclined to entertain the prayer of the petitioners for quashing of the said FIR. As is evident from the instructions, aforesaid, that full-fledged investigation is conducted and is almost completed, it is all the more reason not to quash the said FIR, however, as and when the investigating officer confronts the petitioners with the investigation made so far, it is open for the petitioners to bring to the notice of the investigating officer the reasons, which according to the petitioners, have rushed to the foisting of the case. Though the representation submitted by the petitioners, referred to above, is already before the officer concerned, however, petitioners are at liberty to submit a detailed fresh representation before the investigating officer, who shall also take that into consideration while investigating the crime and thereafter take appropriate further steps in accordance with law.

Writ petition is, accordingly, disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

February 18, 2015

Note: -

Furnish copy by 19.02.2015.

{B/o} LMV