

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

WRIT PETITION No.22067 of 2015

ORDER:

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

“to issue writ of Mandamus to declare the action of respondents police in not conducting investigation in FIR No.189/2013, dated 14-04-2013 on the file of 3rd Respondent PS as illegal, arbitrary and contrary to the provisions of Cr.P.O and consequentially direct the respondents police to complete the investigation and take appropriate action against the accused in FIR.No.189/2013, dated 14-04-2013 on the file of 3rd Respondent PS.”

Heard Sri P.R.K. Amarendra Kumar, learned counsel for the petitioner and learned Government Pleader for Home for respondents, apart from perusing the material available before this Court.

Today, when the matter is called, written instructions, dated 22-07-2015 furnished by the Station House Officer, Jubilee Hills Police Station, Hyderabad City have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“Upon receipt of the private complaint, the Hon'ble Court forwarded it to the Station House Officer, Jubilee Hills Police Station, Hyderabad for investigation and report U/sec. 156 (3) Cr.P.C.

On receipt of the private complaint from the Hon'ble Court, a case in Cr.No.189/2013 U/secs.340, 462, 378, 384,387, 390, 406, 420, 463, 468, 471, 474, 506 r/w 120 (B) 34 IPC was registered on the file of Jubilee Hills Police Station. Hyderabad on 14.4.2013 and investigation was taken up.

During the course of investigation, the investigation officer has tried to secure the presence of the complainant-petitioner by serving her a notice U/sec.91/160 Cr.P.C but the house of the petitioner-complainant herein was locked.

Meanwhile, the accused persons A1 and A5 have obtained anticipatory bail from this Hon'ble High Court vide CrI.P.No.6643 of 2013 dated 29.7.2013 and accordingly they were surrendered before the investigating agency on 15.8.2013, arrested and released on bail upon furnishing sufficient sureties.

Further, notice U/sec.91/160 Cr.P.C. was also sent to the petitioner-complainant by Regd. Post vide RN 391011145IN dated 6.1.2014 but till date the complainant did not approach before the investigating agency and the registered post got returned "undelivered with endorsement 'no such person'

The investigation officer along with staff have personally visited the house of the complainant-petitioner but found MLC Sri Ranga Reddy is staying there. The investigating officer examined him and recorded his statement in which he stated that he has been staying in that house since one year and he does not know Smt.Sujatha-writ petitioner (complainant) herein.

The investigation officer also enquired with the owner of the house Sri Tirupathi Reddy who informed that Smt.Sujatha was his previous tenant and has stayed from the year 2011 to 2013 and he also said that she has vacated his house without paying three months rent and after she left, MLC Sri Ranga Reddy has taken his house for rent and has been staying there since one year.

In the enquiry, it was revealed that several cases are pending against the writ petitioner herein and her husband MVS Ramu in various Police Station, Hyderabad City.

It is submitted that this case has been pending since the date of report ie., on 14.4.2013 and there is no possibility of obtaining any evidence in the near future.

The investigation is completed. Permission was also obtained from the Asst. Commissioner of Police, Banjara Hills Police Station, Hyderabad to refer the complaint of the petitioner herein as 'Lack of Evidence'. Notice to the complainant has not been served as the complainant was not available, hence it was sent through registered post.

After completion of the investigation, appropriate final report U/sec.173 Cr.P.C was also filed before the Hon'ble Court of XVII Addl. Chief Metropolitan Magistrate at Nampally, Hyderabad on 20.7.2015 vide SR NJo.4861 2015. The same is pending consideration before the Hon'ble Court.

A copy of the final report is filed along with the written instructions for the kind perusal of this Hon'ble Court.

It is always open for the petitioner to file protest petition concerned Hon'ble Court whereat the final report is pending consideration, if she aggrieves the investigation conducted by the investigating agency."

On noticing the above said instructions, learned counsel for the petitioner has requested this Court to record the said instructions and dispose of the writ petition.

It is submitted by the learned counsel for the 4th respondent, Sri Godey Satish that seeking quashment of the subject F.I.R.No.189 of 2013 the 4th respondent herein already filed CrI.P.No.7505 of 2013, wherein this Court in CrI.P.M.P.No.6921 of 2013 granted interim stay of all further proceedings and a copy of the same is placed on record by the learned counsel.

In view of the above, the writ petition stands disposed of, by recording the written instructions, dated 22-07-2015 furnished by the Station House Officer, Jubilee Hills Police Station, Hyderabad City.

Miscellaneous Petitions pending, if any, shall stand closed.
There shall be no order as to costs.

A.V. SESA SAI, J

August 17, 2015

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

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