

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

TUESDAY THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SETHA SAI

WRIT PETITION NO. 31664 OF 2015

-

Between:

D.B. Srinivasa Rao ... Petitioner

Vs.

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

Counsel for the Petitioner: Sri N. Tata Babu

Counsel for the Respondents: GP for Home [AP]

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SETHA SAI

WRIT PETITION NO. 31664 OF 2015

-

ORDER :

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

“To declare the action of the respondents 2 to 5 in not taking action on the accused in FIR.No. 476/2015 pending before the sixth respondent police station as illegal, arbitrary and against the principles of natural justice and consequently to direct the respondents 2 to 5 to suspend the sixth respondent police till completion of the enquiry and investigation with regard to the station bail granted by the sixth respondent in Cr.No. 476/2015 and to pass such other suitable orders as this court may deems fit and proper in the interest of justice.”

2. Heard Sri N. Tata Babu, learned counsel for the petitioner and the learned Government Pleader for Home for the respondents.

3. When the matter is called, written instructions dated 01/10/2015 furnished by the Inspector of Police, Neredmet Police Station, Cyberabad Commissionerate have been placed on record by the learned Government Pleader for Home for the respondents.

3. The written instructions, reads as under:

“The petitioner herein has filed a private complaint under section 200 Cr.P.C. on the file of Hon’ble Court of XX Metropolitan Magistrate at Malkajgiri, Ranga Reddy district against 1) Pantagada Punnamamba 2) Pantagada Kiran Kumar 3) Pantagada Nagaveni and 4) Tanuku Raju.

Upon receipt of the private complaint, the Hon’ble court forwarded it to the Station House Officer, Neredmet Police Station, Cyberabad Commissionerate for investigation and report under section 156 (3) Cr.P.C.

On receipt of the private complaint from the Hon’ble court, a case in Cr.No. 476/2015 under section 420, 506, 120-B, 323 r/w 34 IPC was registered on the file of Neredmet Police Station, Cyberabad on 03/8/2015 and investigation was taken up.

The sum and substance of the private complaint of the complainant-petitioner herein is that A-1 to A-3 are doing chit business and A-4 is their relative. The accused under the guise of repaying the amount by doing chit business collected an amount of Rs.6 lakhs and handed over 10 tulas of gold belongs to his wife for their business, who believed her version if they not returned the amount they would hand over 1 ½ acre land belongs to them and executed promissory note. Later the accused sold out 1 ½ acre land to third party which was promised to the complainant. On 14/6/2015 when the complainant approached to return his amount and gold, they attacked and abused him in filthy language. On 28/6/2015 A-2 and A-3 called the complainant to SRO Office and as per their plan they attacked to snatch promissory note without returning the money and gold but luckily with the help of his friends the complainant escaped.

During the course of investigation, the investigating officer examined

the complainant-petitioner and other witnesses and recorded their detailed statements. As per the investigation so far done, prima facie case has been made out against Pantagada Kiran Kumar [A-2] that he has committed the offences punishable under section 420, 506, 120-B, 323 r/w 34 ipc.

Since the prima facie case is made out against the accused P.Kiran Kumar [A-2] the investigating officer issued notice under section 41-A Cr.P.C. informing that prima facie case has been established against him and charge sheet will be filed against him before the concerned Hon'ble court and have to attend the court whenever the court issues summons.

It is humbly submitted that the investigation is pending for want of examination of some more witnesses and for collection of material evidence to prove the offence against the remaining accused in the FIR.

It is pertinent 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 Crime No. 476/2015 for which a detailed investigation is under hectic progress. Prima facie case is made out against the accused P.Kiran Kumar. The investigation is under progress to find out the guilt of the remaining accused. Necessary steps will be taken against the remaining accused basing on the outcome of investigation.

I assure to this Hon'ble court that the investigation will be completed as expeditiously as possible and an appropriate report under section 173 Cr.P.C. will be filed shortly before the concerned Hon'ble court by following the due procedure.

I humbly submit that fair and impartial investigation is going on from all angles. The allegations made in the affidavit by the petitioner-complainant are false and hence denied.

I humbly submit that although the investigating agency is trying to collect the material evidence in this case to prove the offence against the remaining accused in the FIR, the petitioner only to bring pressure on the investigating agency filed the present writ petition with false and baseless allegations.”

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 above written instructions furnished by the Inspector of Police, Neredmet Police Station, Cyberabad Commissionerate. No costs.

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

JUSTICE A.V.SESHA SAI

06/10/2015

I s L

HONOURABLE SRI JUSTICE A.V. SETHA SAI

-

-
-
-
-
-
-
-
-
-

—

—

—

—

—

—

—

—

—

—

WRIT PETITION NO. 31664 OF 2015

—

—

—

—

—

—

—

—

—

—

—

—

—

—

Date:06/10/2015

Circulation No.

Court Master: I s L