

THE HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.23111 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 declaring the action of 4th respondent in not registering the FIR on the complaint of the petitioner dated 21.06.2015 and not investigating the case to take action on his complaint is arbitrary and illegal.”

Heard Sri Mohd. Mumtaz Pasha, learned counsel for the petitioner and the learned Government Pleader for Home for the respondents.

When the matter is taken up, written instructions dated 05.08.2015 furnished by the Sub-Inspector of Police, Uppal Police Station, Cyberabad have been placed on record by the learned Government Pleader for Home appearing for the respondents.

The said instructions read as follows :-

“It is respectfully submitted that the petitioner herein has sent a petition dated 21.06.2015 through post to the Station House Officer, Uppal Police Station requesting to take action against Mr.P.Arjun and others as they invented forged and fabricated documents and floating the black money and evaded the Income Tax and by engaging unsocial elements, threatening him to withdraw the complaint before the Income Tax Department and also threatened him to see his end.

Upon receipt of the said petition through post, an entry was made into the General Diary of the Station stating that after conducting preliminary enquiry into the matter action will be taken.

After conducting preliminary enquiry into the matter, a case in Crime No.748 of 2015 under Sections 465, 420, 427, 506 IPC was registered on the file of Uppal Police Station, Cyberabad on 03.08.2015 and investigation was taken up.

I humbly submit that the FIR was registered on 03.08.2015. The investigation is at preliminary stage. Necessary steps will be

taken depending on the evidence adduced during the course of investigation.

I humbly submit that almost all the averments made in the affidavit are the subject matter of the investigation in Crime No.748 of 2015 for which a detailed investigation is under hectic progress. 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 before the concerned Hon'ble Court by following the due procedure at the earliest.

I humbly submit that some delay has occurred in taking steps on the complaint dated 21.06.2015 which was sent by the petitioner through post. After conducting preliminary enquiry into the matter, action was taken by registering FIR No.748/2015 dated 03.08.2015 and investigation was taken up. The delay is neither willful nor wanton.

I pray this Hon'ble Court to grant some more time to the investigating agency for completion of the full-fledged investigation into the case.

Action was taken on the complaint of the petitioner herein, hence, the writ petition deserves no consideration."

A reading of the above said instructions manifestly discloses that on the complaint made by the petitioner, police registered a case in crime No.748 of 2015 for the alleged offences under Sections 465, 420, 427 and 506 IPC on 03.08.2015 and the investigation was taken up.

In view of the same, in the considered opinion of this Court, ends of justice would be met if a direction is given to the respondent police authorities to expedite the investigation in the matter.

For the aforesaid reasons, this Writ Petition is disposed of directing the respondent police authorities to expedite the investigation and file final report in crime No.748 of 2015 on the file of Uppal Police Station, Cyberabad, as expeditiously as possible.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

Date : 05.08.2015

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