

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

WRIT PETITION No.39121 of 2012

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 the 2nd respondent in harassing the Petitioner Corporation in connection with F.I.R.No.167/2012 on his file without there being any reason as arbitrary, illegal, violative of Articles-14, 19 (1) (g) and 21 of the Constitution of India and consequently direct the respondents not to harass the petitioner Corporation in connection with the said offence in the interest of justice.”

A counter-affidavit is filed by the Inspector of Police, Abid Road Police Station, Hyderabad. Paragraph Nos.5 and 6 of the said counter-affidavit read as under:

“5. It is respectfully submitted that basing on the confessional statement of the accused Mr.Vikas Goud, to collect the information and relevant documents from the petitioner's Corporation, the Investigating Officer addressed a letter dated 29-11-2012 to the petitioner requesting him to send the following information and necessary documents to enable the investigating agency to proceed with the further investigation of the case:

- i) for how much amount the car was mortgaged at the petitioners finance company.
- ii) how many installments did he pay.
- iii) How many installments he has to pay.
- iv) Furnish the documentation done at the time of mortgage
- v) On which date the petitioner's corporation seized the car
- vi) Where is the seized car, furnish its details.

6. It is respectfully submitted that except the above information sought from the petitioner, this respondent

never insisted the petitioner nor harassed to produce the seized car as alleged. It is respectfully submitted that on mere apprehension, the petitioner instead of cooperating with the investigating agency, rushed to this Hon'ble Court and filed the present writ petition with baseless allegations. This respondent never insisted the petitioner to approach the respondent Police Station. To divert the attention of the investigation agency in not conducting the investigation in a proper and fair manner and the petitioner instead of cooperating with the investigating agency, filed the present writ petition with baseless allegations. Hence the writ petition is devoid of any merits."

While referring to the same it is submitted by the learned counsel for the petitioner that in view of the said averments in the counter-affidavit the writ petition can be closed.

Recording the said submission, the writ petition is closed, in view of the averments in paragraph Nos.5 and 6 of the counter-affidavit.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. There shall be no order as to costs.

A.V. SETHA SAI, J

December 11, 2015

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