

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

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WRIT PETITION No.12237 OF 2015

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ORDER:

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

“to issue order direction more particularly one in the nature of Writ of MANDAMUS declare the action of the respondents in not filing the final report interms of MOU dated:04.03.2014 in Cr.No.62/2013 on the file of Cyber Crime PS, CCS, Nampally, Hyderabad as illegal arbitrary and contrary to the provisions of Cr.P.C. and consequentially direct the respondents police to close the complaint given by the petitioner on 26.06.2013 in FIR No.62/2013 on the file of Cyber Crime PS, CCS, Nampally, Hyderabad and to pass such other order or orders as the Hon'ble Court may deems fit just and proper in the circumstances of the case.”

2 .The grievance in the present writ petition is failure on the part of the respondents/police in not filing the final report in Crime No.62 of 2013 on the file of Cyber Crime PS, CCS, Nampally, Hyderabad.

3. Counter affidavit is filed by the 3rd respondent herein stating *inter-alia* that on the basis of the complaint lodged by the petitioner, police registered Crime No.62 of 2013 for the alleged offences U/Sec 43 read with 66(C) & (D), ITA Act, 2008 and Section 120-B & 420 IPC. During the course of investigation, investigation officer examined the complainant and other witnesses and recorded their detailed statements wherein they corroborated with the facts of FIR. It is also stated in the counter affidavit that on 25.11.2013, the investigation officer apprehended the accused persons and seized the property. It also averred in the said counter affidavit that investigation is pending for want of collection of some more evidence from Income Tax Department as the accused persons prepared fake PAN cards and submitted at various banks in order to open the accounts. It is also stated that appropriate report U/sec.173 Cr.P.C. will be filed, as expeditiously as possible, by

following due procedure before the concerned court. Eventually, it is prayed in the said counter affidavit to grant some more time to the investigating agency for completion of the investigation.

4. In view of the above said averments in the counter affidavit, writ petition is disposed of, directing the respondents/police authorities to complete the investigation and file final report, as expeditiously as possible.

5. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

03rd August, 2015

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