

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

-

WRIT PETITION NO.30598 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 in not investigating the Cr.No.479 of 2014 against the respondents 3 to 8 as illegal and arbitrary and consequently to direct the CB CID to take up investigation in the above crime and take appropriate action against the respondents 3 to 8...”

2. Heard Mr.V.Srikantha Rao, learned counsel appearing for the petitioner and the learned Government Pleader for Home.

3. When the matter is called today, written instructions, dated 03-10-2015 furnished by the Sub-Inspector of Police, Narayanaguda Police Station have been placed on record by the learned Government Pleader. The said instructions read thus:

“The petitioner herein has filed a private complaint U/sec. 200 Cr.P.C. on the file of Hon'ble Court of IX Addl. Chief Metropolitan Magistrate City, Criminal Court, Hyderabad at Nampally against one Mr.Nakka Varadarajulu and 5 others who are the unofficial respondents herein. Upon receipt of the private complaint, the Hon'ble Court forwarded it to the Station House Officer, Narayanaguda Police Station, Hyderabad City 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.479/2014 U/sec. 120-B, 467,468 and 420 IPC was registered on the file of the Narayanaguda Police Station on 30-09-2014 and taken up the investigation.

It is respectfully submitted that during the course of investigation, the investigating officer examined the complainant-petitioner and recorded her detailed statement. Though notices U/sec.91/160 Cr.P.C. were issued on 11-11-2014, 15-03-2015,

02-05-2015 to the petitioner herein requesting her to produce the relevant documentary evidence in support of her version and to produce the relevant witnesses, but she did not turn up with any evidence. The investigation so far

done clearly disclosed that the dispute of the petitioner herein as well as the alleged accused who are the unofficial respondents herein is purely civil in nature.

It is submitted that the investigation is completed. After completion of investigation, permission was also obtained from the Asst. Commissioner of Police, Abids Division to refer the complaint of the petitioner herein as 'Lack of Evidence'.

When the investigating agency is trying to serve the notice on the complainant-petitioner, she filed the present petition with false and baseless allegations.

I humbly state and submit that almost all the averments made in the affidavit are the subject matter of investigation in Cr.No.474/2014 for which a detailed investigation is completed. Permission is also obtained from the higher-ups. Final report U/sec.173 Cr.P.C. will be filed within a day or two before the concerned Hon'ble Court by following the due procedure.

It is always open for the petitioner to file a protest petition before the concerned Hon'ble Court if she aggrieves the investigation conducted by the investigating agency."

4. On noticing the said instructions, it is requested by the learned counsel for the petitioner to dispose of the writ petition by recording the written instructions and with a further direction to the respondent-police authorities to expedite filing of final report into the concerned Court.

5. In view of the above, the writ petition is disposed of by recording the written instructions furnished by the Sub-Inspector of Police, Narayanaguda Police Station and the respondent-police authorities are directed to file a final report before the concerned Court as expeditiously as possible. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

A.V.SESHA SAI, J

DATED: 13-10-2015

Hsd