

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

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WRIT PETITION No.40109 of 2012

Between:

P.Kasi Nageswara Rao

....Petitioners

and

The Government of Andhra Pradesh,
Rep.by its Principal Secretary, Home Department,
Secretariat, Hyderabad,
And others.

....Respondents

JUDGMENT PRONOUNCED ON : 11.04.2016

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO :

1. Whether Reporters of Local newspapers : Yes
may be allowed to see the Judgments?
2. Whether the copies of judgment may be : No
Marked to Law Reporters/Journals?
3. Whether Their Ladyship/Lordship wish to : No
see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.40109 of 2012

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ORDER:

This Writ Petition was filed challenging the action of the fourth respondent in misusing the official position at the instance of the fifth respondent or his son-in-law and detaining the petitioner in the house of the fifth respondent on 25.09.2012, as illegal and arbitrary, and for a consequential relief to direct the investigation of the case in Crime No.210 of 2012 of P.S Miyapur by another Police Officer.

The Commissioner of Police filed a counter affidavit. He stated

that the enquiry in the case revealed that the fifth respondent lodged a complaint stating that the petitioner cheated him and his son-in-law after receiving an amount of Rs.50.00 lakhs towards sale of land and executed a forged document. Basing on the same, Crime No.210 of 2012 was registered and the investigation was entrusted to the fourth respondent. When the investigating officer was making efforts to collect further evidence to apprehend the accused he failed to appear before the officer for the purpose of investigation and did not cooperate with the investigation. He obtained anticipatory bail from the Court of Metropolitan Sessions Judge at Cyberabad. In order to compare the signatures, stamps, seal and the original sale deed which is lying with the accused, the accused was issued a notice under Section 91 Cr.P.C directing him to produce the connected documents for the purpose of investigation and comparison. The allegation that the fourth respondent came to the house of the petitioner on 25.09.2011 was denied. The allegations made in the affidavit were enquired by the ACP Kukatpally Division and they were found to be false. They were leveled against the fourth respondent in order to escape from the criminal liability.

The said counter affidavit was supplemented by the written instructions stating that the investigation was completed and a charge sheet was filed. The petitioner is facing trial in C.C.No.986 of 2012 and the case stood posted to 04.04.2016.

In view of the above facts, no further enquiry is needed in the present Writ Petition and it is open to the petitioner to take appropriate steps before the competent Court, if he is aggrieved in any manner with regard to the investigation.

The Writ Petition is, accordingly, closed. The miscellaneous petitions pending, if any, shall also stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

11.04.2016
vs