

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.4064 of 2016

-

ORDER:

The prayer of the petitioner in this case is as under:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue an appropriate order, writ or direction more particularly one in the nature of Writ of Mandamus declaring the action of 2nd respondent in not conducting further investigation in C.C.No.329/2013 on the file of the Judicial First Class Magistrate Court, Kothapeta in addition to the charge sheet filed by 2nd respondent, as illegal, arbitrary and violative of the provisions of the Criminal Procedure Code and also offends Articles 14, 21 of Constitution of India and consequently direct the 2nd respondent to conduct further investigation in C.C.No.329/2013 on the file of the Judicial First Class Magistrate Court, Kothapeta, and pass such other order or orders may deem fit and proper in the circumstances of the case.”

As the petitioner is seeking further investigation under Section 173(8) Cr.P.C., it is open to her, in the capacity of the complainant in Crime No.126 of 2013 on the file of Kothapeta Police Station, to approach the learned Judicial First Class Magistrate, Kothapeta, and seek further investigation in terms of Section 173(8) Cr.P.C.

Hence, as an efficacious alternative remedy is available to the petitioner under the statute, this Court is

not inclined to entertain this Writ Petition which is accordingly dismissed leaving it open to the petitioner to take recourse to the statutory remedy in accordance with law.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY

KUMAR, J

9th FEBRUARY, 2016.

Note: issue c.c. in one week.

kvni