

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

WRIT PETITION No.32542 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 declaring the action of the respondents 4 and 5 in directing to close the FIR No.810/2008 on the file of the Station House Officer, Saroornagar as action drop without conducting any investigation at the behest of the accused in the said FIR and in not taking any action against the respondents 4 and 5 by the respondents 1 to 3 on the basis of the complaint dt.15-10-2011 in directing to refer/close the FIR No.810/2008 as action drop as illegal, arbitrary and contrary to law and consequently direct the respondents 1 to 3 to order for investigation in FIR No.810/2008 on the file of the Station House Officer, Saroornagar Police Station by the CBI or any other independent authority and further direct the respondents 1 to 3 to initiate appropriate action against the respondents 4 and 5 and other officers who are responsible in to close the FIR No.810/2008 as action drop.”

Heard the learned counsel for the petitioner and learned Government Pleader for Home for respondents.

When the matter is called today, written instructions, dated 20-04-2016 furnished by the Inspector of Police, Saroornagar Police Station, Cyberabad have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“On 12.8.2015: It is humbly submitted that in due obedience to the filing of the present writ petition by the petitioner herein, the same was brought to the notice of the higher authorities and accordingly, a requisition was

filed before the Hon'ble Court of XI Metropolitan Magistrate, Cyberabad at LB Nagar seeking reopening of the case in Cr.No.810/2008 on 12.8.2015 and after obtaining permission from the Hon'ble Court, this respondent police reopened the case in Cr.No.810/2008 on file on 12.8.2015 and taken up the investigation.

On 18.8.2015: For the purpose of investigation, notice U/Sec.90/160 Cr.P.C. dt.18.8.2015 was issued to the complainant Sri Balaji requesting him to furnish the relevant documents and witnesses in support of his version.

For the purpose of investigation, one Smt.S.N. Padmini, D/o.late S. Ramakrishna Rao who is the sister of the GPA holder of the writ petitioner herein was examined and recorded her detailed statement.

The investigation is under progress. The same is pending for want of examination of some more witnesses and for collection of material evidence.

It may be true that some delay is caused in completing the investigation into the case, which is neither willful nor wanton for which I seek pardon of this Hon'ble Court.

This respondent enquiries revealed that the petitioner who is also the witness to the said case is presently staying in USA. Her evidence is also crucial to establish the offence. This is case of forgery and impersonation of signatures etc., Hence, the presence of the writ petitioner herein is required for the purpose of investigation. The investigating agency has to collect the original documents from her side and also obtain her finger prints before the Hon'ble Court by filing a Memo and subsequently the same are being sent for FSL authorities for analysis. If the petitioner here cooperates with the investigating agency, the investigation will be completed as expeditiously as possible.

In these circumstances, I pray this Hon'ble Court to grant some more time to the investigating agency for

completion of the full-fledged investigation into the case and pass appropriate orders as this Hon'ble Court may deem fit and proper."

While referring to the said instructions it is requested by learned counsel for the petitioner that necessary directions may be issued to the investigating agency to conclude the investigation, as expeditiously as possible, by fixing some time frame.

On the other hand, it is submitted by learned Government Pleader, reiterating the written instructions that in the event of cooperation of the writ petitioner with the investigating agency the investigation will be completed, as expeditiously as possible.

Recording the said submissions and having regard to the instructions extracted above, the writ petition is disposed of, directing the respondent – police to conclude the investigation in Crime No.810 of 2008, as expeditiously as possible, subject to the cooperation of the writ petitioner during the course of investigation.

Miscellaneous Petitions pending, if any, shall stand closed.
There shall be no order as to costs.

A.V. SETHA SAI, J

June 20, 2016

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

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