

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Writ Appeal No.1337 of 2016

Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

Heard Sri T. Surya Satish, learned counsel for the appellant, Sri K. Sai Krishna Mohan Rao, learned counsel for respondent-writ petitioners, and the learned Government Pleader for Home. This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the learned Single Judge in W.P. No. 37080 of 2016 dated 1.11.2016.

The appellant herein is the third respondent in the writ petition, who filed a complaint which resulted in F.I.R. No. 132 of 2014 being registered on the file of the Assistant Commissioner of Police, South Zone, Hyderabad. Respondent Nos. 1 and 2 herein filed W.P. No. 37080 of 2016 to quash F.I.R. No. 132 of 2014 dated 4.6.2014. By the order under appeal, the learned Single Judge, while declining to interfere with the investigation, however directed that the investigation shall be completed and a final report shall be filed without arresting the respondent-writ petitioners.

Admittedly, the writ petition was disposed of without either putting the appellant herein (3rd respondent in the writ petition) on notice and without giving him an opportunity of being heard. As the appellant herein has been denied an opportunity of being heard, before the writ petition was disposed of, even though he is a party to the writ petition, the order under appeal must be, and is accordingly, set aside.

The writ petition is restored to file and the appellant herein (3rd respondent in the writ petition) shall be given an opportunity of being heard before orders are passed afresh in the writ petition.

The writ appeal stands disposed of accordingly. The miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(A. SHANKAR NARAYANA, J)

5th December, 2016

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