

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.10931 of 2012

ORDER:

This writ petition was filed challenging the action of respondents 5 and 6 in not investigating the case and not filing the charge sheet against the respondents 7 to 10 and also for quashing C.C. No.201 of 2011 on the file of Additional Chief Metropolitan Magistrate Court, Hyderabad at Nampally, filed at the instance of respondent No.7 against petitioner No.1.

Learned Government Pleader, on the basis of written instructions, submits that the petitioners were examined and their detailed statements were recorded. In spite of repeated requests by the Investigating Officer to produce the witnesses and documentary evidence, the petitioners failed to furnish the same. In those circumstances, after completion of investigation the Investigating Officer had obtained permission from the Assistant Commissioner of Police, Banjara Hills, Hyderabad, vide No.595/Per/ACP-BH/Divn/2011 dated 31.07.2011 to refer the case as 'LACK OF EVIDENCE' after serving notice to the complainant. The final report was submitted before the concerned XVII Additional Chief Metropolitan Magistrate Court, Hyderabad at Nampally on 10.04.2012 vide S.R. No.1863/2012.

In view of the filing of final report, the relief sought for by the petitioners alleging inaction on the part of respondents 5 and 6 cannot be appreciated, and in fact the final report was filed one day before filing the present writ petition. In the circumstances, the relief alleging inaction is misconceived and dismissed accordingly.

However, with regard to the second relief sought in the writ petition for quashing C.C. No.201 of 2011 on the file of Additional Chief Metropolitan Magistrate Court, Hyderabad at Nampally, it is

open to the petitioners to take appropriate proceedings in accordance with law and this Court, in exercise of the powers under Article 226 of the Constitution of India, cannot quash the said complaint.

Accordingly, this Writ Petition is closed. No order as to costs. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.RAMALINGESWARA RAO, J

16.02.2016

MVA