

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.36010 of 2015

ORDER:

1. This writ petition is filed by the petitioner under Article 226 of the Constitution of India aggrieved over the in action of 4th and 5th respondents in investigating properly into Crime No.426 of 2014 on the file of the 4th respondent.

2. When this matter is posted for hearing the learned Government Pleader for Home submitted that the investigation was already completed and the final report was also filed in connection with the above crime on 12.3.2015 before the III Metropolitan Magistrate, Cyberabad at LB Nagar and the same is pending consideration before the III Metropolitan Magistrate.

3. The main grievance of the petitioner is that even though a case was registered as per the directions of this Court for the offence under Sections 420, 448, 380 and 506 IPC, the respondents here, without examining the petitioner and without recovery of the properties, alleged to have been stolen by the 6th respondent, filed a final report. The investigation was not fair as far as the present crime is concerned.

4. Considering the facts and circumstances of the case and the grievance of the petitioner and the final report filed before the Court concerned informing that no case is made out, without expressing any opinion regarding the factum of investigation, this Court is inclined to pass the following order:

“It is left open to the petitioner herein to file a protest petition before the Court concerned informing his grievance (i) he was not examined (ii) the things alleged to have been stolen by the

6th respondent were not recovered; and (iii) none of the independent witnesses were examined by the police. On such application being filed, the Court concerned is directed to consider the same in accordance with law.”

5. With the above directions, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO, J

Date: 24th October, 2016
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