

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.40755 of 2015

ORDER:

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

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue an appropriate writ of mandamus declaring the final report dated 16-07-2014 prepared by the 3rd respondent herein in Crime No. 488 of 2014 dated 27-09-2014 on the file of 3rd respondent herein as illegal, arbitrary, unconstitutional and consequently direct the respondents particularly 3rd respondent herein to conduct reinvestigation and proper investigation according to law in Crime No. 488 of 2014 dated 27-09-2014 on the file of 3rd respondent herein under the supervision of 2nd respondent herein and be pleased to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and in the interest of the justice.”

The Inspector of Police, Sanathnagar Police Station, Cyberabad, filed a counter-affidavit stating that a final report was filed before the learned XXIV Metropolitan Magistrate, Kukatpally, Cyberabad, on 18.09.2015 vide SR.No.2047/15 in relation to Crime No.488 of 2014 registered on the file of Sanathnagar Police Station.

In the light of this development, Sri Challa Ajay Kumar, learned counsel for the petitioner, fairly stated that in the light of the law laid down by this Court in the order dated 16.12.2015 in W.P.No.10671 of 2013 and CrI.R.C.No.1054 of 2013 (Yoginder Garg v. Govt. of A.P), the petitioner may be permitted to file an application under Section 173(8) Cr.P.C. before the trial Court seeking further investigation.

The writ petition is accordingly disposed of permitting the petitioner to file an application under Section 173(8) Cr.P.C. before the trial Court and in the event such an application is filed, the same shall be considered in accordance with law and the decision of this Court in

W.P.No.10671 of 2013 and CrI.R.C.No.1054 of 2013 (Yoginder Garg
v. Govt. of A.P).

Pending miscellaneous petitions, if any, shall stand closed in
the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

29th March, 2016

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