

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.36890 OF 2016

ORDER:

The present writ petition is preferred by the petitioner on the ground that the complaint lodged by the petitioner herein, even though registered in Crime No.557 of 2008, was not investigated by the respondents properly and the final report was also not filed.

When the matter is taken up for hearing, the learned Assistant Government Pleader, on instructions, informed the following facts :

Crime No.557 of 2008 under Section 3(i)(x) of SC/ST (PoA) Act, 1989 was registered on 24-11-2008. Thereafter, the investigation was proceeded further and complainant Nos.1 to 6 were examined and their statements were also recorded and the respondent-police recorded Section 164 Cr.P.C. statements of the witnesses on 24-04-2010 and obtained copies of the statements, which entirely corroborated with their previous statements recorded as per Section 161 Cr.P.C. After completion of the entire investigation, the Officer concerned obtained permission from the Commissioner of Police, Cyberabad vide proceedings No.132/C1/CYB/2010, dated 23-06-2010, and referred the case as false and final report, dated 30-06-2010 was filed before the Court duly serving notice to the complainant.

The learned counsel for the petitioner submitted that the said contentions of the respondents are false. The petitioner was not served with any final report and none of the witnesses were examined by the Police.

Admittedly, the crime was registered in the year 2008 and the final report was filed in the year 2010 recording the contents of the complaint as false, whereas, the petitioner approached the Court in the year 2016, after lapse of six years and the claim of the petitioner is that he was not served with any notice. But, as per the respondents, the notice was already served, but it does not disclose any acknowledgment by the complainant – petitioner herein.

Therefore, taking into consideration the rival contentions and after perusal of the records, the Writ Petition is disposed of with the following directions :

If the petitioner herein is aggrieved with the result of the investigation by the respondent-police, he is at liberty to file a Protest Petition before the VII Metropolitan Magistrate, Cyberabad, at Hayathnagar, before whom the final report was filed by the police on 30-06-2010. On such filing of the Protest Petition, the learned VII Metropolitan Magistrate, Cyberabad, at Hayathnagar, is directed to consider the same, even if the Magistrate closed the case on the ground of the report filed by the respondent-police and hear the petitioner and pass appropriate orders. There shall be no order as to costs.

Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

07.11.2016

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