

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37575 of 2016

ORDER:

This writ petition is filed by the petitioners under Article 226 of the Constitution of India seeking to call for the records relating to FIR No.254 of 2016 on the file of Station House Officer, Golconda Police Station, Asifnagar Division, West Zone, Hyderabad –4th respondent, and consequently, set aside the same.

Heard and perused the material available on record.

The grievance of the petitioner is that she is owner and possessor of house property bearing No.8-1-347/ B/ 27/ 1, Rahul Colony, Shaikpet, Tolichowki, Hyderabad. While so, her son asked her to give some money to him by mortgaging the property for his business purpose. She agreed for that and he took her to Sub-Registrar's office for signing on mortgage papers in favour the 4th respondent and accordingly, she went there and signed on some papers. Subsequently, some unknown persons came to her house and trying to dispossess her. Therefore, she filed a civil suit. The 4th respondent lodged the present complaint stating that she purchased the subject house from the petitioner and subsequently, the petitioner in collusion with her son, trying to cheat her without handing over the possession of the said house.

Learned Assistant Government Pleader submitted that the on the basis of the complaint lodged by the 4th respondent, the above crime is registered against the petitioner and another, and that the respondent police are investigating into the matter.

The petitioners filed the present writ petition challenging investigation in the above crime. This Court is not inclined to interfere

with the investigation. However, taking into consideration the facts and circumstances of the case and the matter arising out of civil disputes, this Court is of the view that the investigation can be completed without arresting the petitioners.

Accordingly, the respondents 2 to 4 are directed to complete the investigation and file a final report in the above Crime, in accordance with law in either way, without arresting the petitioner. The petitioner is also directed to appear before the investigating officer concerned as and when required, and cooperate with the investigation.

With the above direction, 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.

November 03, 2016
KTL

RAJA ELANGO, J

