

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44872 of 2016

ORDER:

This writ petition is filed by the petitioners under Article 226 of the Constitution of India seeking to direct the 2nd respondent to complete the investigation in Crime No.170 of 2016, on the file of the Kandukur Police Station, Kandukur Mandal, Ranga Reddy District, on the file of XXVI Metropolitan Magistrate at Cyberabad, Maheshwaram, Ranga Reddy District, by summoning respondents 3 to 7 and collect their Aadhar Card, Voter ID proof and obtain the signatures of the 4th respondent and collect the sale deed of the 6th respondent vide Document No.3790 of 2013, dated 13.09.2013, and Gift Deed of the 5th respondent vide Document No.4420 of 2016, dated 28.07.2016.

Heard and perused the material available on record.

The case of the petitioners is that the petitioners lodged a private complaint before the XXVI Metropolitan Magistrate, Cyberabad, Maheshwaram, Ranga Reddy District, and the same was referred to the 2nd respondent, who registered the same as FIR No.170 of 2016 against respondents 3 to 10. It is further submitted by the petitioners that respondents 4 to 6 have obtained anticipatory bail in CrI.M.P.No.2304 of 2016 in Crime No.170 of 2016 on 05.10.2016 from the VIII Additional District Judge, Ranga Reddy District.

The grievance of the petitioners is that the Investigation Officer concerned is not proceeding with the investigation in the matter in a particular manner, that too when the petitioners

insisted or represented before the Investigation Officer concerned to do the investigation in a particular manner.

Considering the facts and circumstances of the case, this Court is of the view that whenever a case is registered by the Investigation Officer concerned, it is the bounden duty of the Investigation Officer concerned to conduct investigation in the said case by following the procedure, in accordance with law, in order to connect the accused with the said crime and this Court is not having any power to direct the Investigation Officer concerned to proceed with the investigation in a particular manner which is not known to the criminal law. When a complaint is referred by the learned Magistrate invoking the provision under Section 156(3) Cr.P.C., the learned Magistrate always have the power to monitor the investigation. If the petitioners are having any grievance, the petitioners can approach the concerned Magistrate and inform their grievance that the Investigation Officer concerned is not proceeding with the investigation in accordance with law.

Accordingly, the Writ Petition is disposed of with a liberty to the petitioners to approach the concerned Magistrate, who has power to monitor the investigation and inform their grievance. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

Date: 22nd December, 2016

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