

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 18823 OF 2017

ORDER:

This Writ Petition is filed to declare the action of the 2nd respondent Station House Officer, Humayun Nagar Police Station in not investigating Crime No. 363 of 2013 and not taking action as per law laid down by the Apex Court in *State of Telangana v. Habib Abdullah Jeelani* reported in AIR 2017 Supreme Court 373, as arbitrary and illegal.

The case of the petitioner is that she gave a private complaint against the unofficial respondents in the Court which was referred to the 2nd respondent, who registered a case in Crime No. 363 of 2013 for the offences punishable under Sections 406, 420, 468, 471 and 506 read with Sections 120 (B) and 34 of the Indian Penal Code on 23.12.2013, but thereafter, no investigation has been conducted in the matter.

Heard learned counsel for the petitioner.

Learned Government Pleader for Home obtained written instructions from the Sub-Inspector of Police, Humayun Nagar Police Station, which are to the following effect:

“The investigation revealed that there is a property dispute between the petitioner and R3 to R8. Hence, the brother of the petitioner filed civil suit *vide* No. 98 of 2000 before the Hon'ble II Addl. Chief Judge, City Civil Courts, Hyderabad seeking partition of the said property and the same was dismissed for default in the year 2006. The investigation disclosed that all the accused made the false transactions in order to cause wrongful loss to the other legal heirs including the petitioner/complainant. The investigation revealed the entire allegations are civil in nature.

Therefore, the respondent police send proposals to refer the case as Mistake of Fact by serving notices to the

petitioner/complainant and the same was referred as Mistake of Fact as per the proceedings of the Asst. Commissioner of Police, Asif Nagar *vide* No. 1606/REF/ACP-AN/2015, dt. 01.10.2015. Final report was filed on 01.10.2015 *vide* SR No. 1414 of 2016 before the VI Addl. Chief Metropolitan Magistrate, Nampally.”

In view of the written instructions, as the final report has already been filed before the VI Additional Chief Metropolitan Magistrate’s Court, Nampally under Section 173 of the Code of Criminal Procedure, the petitioner may avail the remedies available to her under law by filing a protest petition, if she is otherwise aggrieved. The learned Government Pleader shall serve a copy of the final report on the learned counsel for the petitioner within one week from today through Registered Post.

The Writ Petition is accordingly, disposed of. No costs.

Consequently, the miscellaneous Applications, if any shall stand closed.

CHALLA KODANDA RAM, J

03rd August 2017

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