

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.24563 of 2016

ORDER:

This Writ Petition is filed seeking the following relief:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to grant an appropriate Writ, order or direction more particularly one in the nature of Writ of mandamus declaring the action of the respondent No.3 in not conducting the investigation and filing charge sheet pursuant to the FIR in CR.No.26 of 2016 registered on 11.01.2016 as illegal, contrary to the procedure laid down under Criminal Procedure Code, and violation of the principles of natural justice and consequently direct the 3rd respondent to conduct investigation and file charge sheet in the above said crime to pass such other order or orders as this Hon'ble Court may deemed fit and proper in the circumstances of the case and in the interests of justice.”

The party-in-person is not present when the case is called.

The second respondent filed a counter affidavit stating that the case was finalized since there was no evidence in support of the allegations made by the petitioner and a final report under Section 173 Cr.P.C was submitted to the learned III Additional Chief Metropolitan Magistrate, Hyderabad, treating the case closed as lack of evidence vide SR No.5015 of 2016, dated 05.08.2016. The Deputy Commissioner of Police, West Zone vide Memo No.HW-5/4597/2016, dated 08.08.2016, directed the third respondent to reopen the case, collect further evidence and establish the truth in respect of the allegations made in the complaint and to finalize the investigation. Pursuant to the same, the third respondent visited the address given by the petitioner and had further examined the witnesses.

The third respondent also contacted the husband of the petitioner on phone several times, but neither the petitioner nor her husband turned up for recording their statements. The investigating officer is ready to record her statement, provided the petitioner cooperates with the investigating agency.

As could be seen from the counter, it cannot be said that the respondents are not conducting the investigation, but it is the petitioner who is not cooperating with the same.

In view of the above, the Writ Petition is closed recording the counter averments. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

17.01.2017
vs



(A.RAMALINGESWARA RAO, J)