

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION NO. 25142 of 2017

ORDER :

Heard both sides. With the consent of both parties the writ petition is disposed of at the admission stage.

2. The present writ petition came to be filed questioning the inaction of the respondents-police in collecting the material, as directed earlier by this Court in another writ petition, before filing a final report in Crime No.156 of 2015 registered by the fourth respondent.

3. As seen from the record, earlier this petitioner approached this Court vide W.P.No.5469 of 2016, declaring the action of the respondents in not completing investigation and filing a final report in Crime No.156 of 2015, as illegal and arbitrary. By an order dated 01.06.2017, this Court directed the respondents to complete the investigation and file a final report in the above said crime, as early as possible, before the appropriate Court, after collecting all the necessary material. The grievance of the petitioner now is that no efforts are being made by the police to collect the material. At the same time, it is also to be noted here that no final report is filed till date. Therefore, it is the apprehension of the petitioner that the police would file a final report without collecting the relevant material, in respect of the property in dispute and hence the present writ petition.

4. As no final report is filed, it cannot be said that the police has failed to collect the material. The petitioner should have approached this Court, in case a final report is filed, without collecting the material.

Even then, remedy lies elsewhere, but definitely not under Article 226 of the Constitution of India. Hence, I see no merits to entertain this writ petition and the same is accordingly dismissed. No costs.

Consequently, miscellaneous petitions, if any pending, shall stand closed.

28.07.2017
vhb

JUSTICE C. PRAVEEN KUMAR

