

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.4736 OF 2018

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:-

“to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus and direct respondents No.2 to proceed lawfully, if any information is lodged by respondent no.3 against petitioners and not to call petitioners to respondent No.2, for no reason.”

2. Heard learned counsel for the petitioners and the learned Government Pleader for Home (TG) appearing for the official respondents.

3. A counter-affidavit deposed by the Inspector of Police, Bhavani Nagar Police Station, Hyderabad is filed denying the allegations and the averments made in the affidavit filed in support of the writ petition. Paragraph Nos.4 to 6 and 14 of the said counter-affidavit read as under:-

“4. It is submitted that during the course of investigation into the case, the investigation officer examined the complainant/3rd respondent herein and recorded his detailed statement. As part of investigation notice U/sec.91/160 Cr.P.C. dated 9.11.2017 was issued to the complainant/3rd respondent requesting him to produce the original documents relating to the case in support of his version and also to produce the relevant witnesses including the cited witnesses in the private complaint. During the course of investigation, the investigation officer collected documents regarding the case from Punjab National Bank, West Marredpally

Branch, Secunderabad and Andhra Bank, Venkatapuram Branch, Hyderabad.

5. It is respectfully submitted that as part of investigation, a letter dated 3.2.2018 was also addressed to the Deputy Commissioner of Police, South Zone, Hyderabad requesting him to furnish the CDR particulars of phone numbers ie., 1) 9000011124 (Airtel), 2) 9100043339 (Airtel), 3) 9700244020 (Airtel), 4) 4042012222 from 1.1.2017 onwards to enable the investigating agency to proceed with further course of action into the case. Notice U/sec.91/160 Cr.P.C dated 5.2.2018 was issued on the petitioners/alleged accused in the FIR requesting him to appear before the investigating agency with any records and to explain the case. Letters dated 10.2.2018 were addressed to the Registrar Offices situated at Nagole and Balanagar requesting him to provide the documents copies of 1) M/s.Vruksha Extracts Pvt.Ltd., (VEPL) ii) Bio Glass Tech Industries and to inform whether any firm registration had registered in the name of the above named companies. Reply is awaited.

6. It is respectfully submitted that the investigation is under progress. Necessary steps will be taken against the accused/petitioners depending on the evidence adduced during the course of investigation into the case.

14. It is pertinent to submit that the investigation is under progress. Instead of replying notice U/sec.91/160 Cr.P.C. dated 5.2.2018, the petitioners to escape from their criminal liability, made false and frivolous allegations against the investigation officer in not conducting the investigation into the case in a proper and fair manner and to divert the attention of the investigating agency, filed the present writ petition. I assure to this Hon'ble Court action will be taken against the petitioners, if any, prima facie case is made out against the petitioners by following the due procedure. The contentions contra are untrue and hereby denied. The allegations contra are untenable. There are no

merits whatsoever warranting the interference of this Hon'ble Court under Art.226 of the Constitution of India. The writ petition is liable to be dismissed."

4. It is submitted by the learned counsel for the petitioners that the respondent police authorities are not proceeding in accordance with the provisions of the Code of Criminal Procedure.

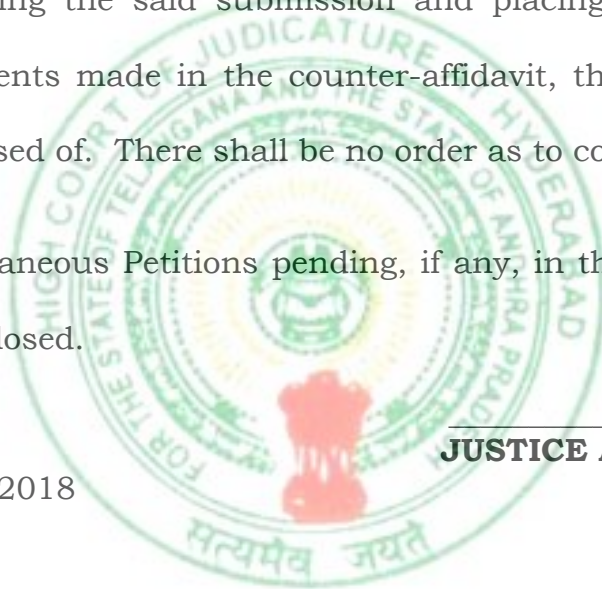
5. On the other hand, it is submitted by the learned Government Pleader that the police authorities would strictly adhere to the provisions of the Code of Criminal Procedure.

6. Recording the said submission and placing on record the above averments made in the counter-affidavit, this Writ Petition stands disposed of. There shall be no order as to costs.

7. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

Date : 15.03.2018
AMD

JUSTICE A.V.SESHA SAI



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