

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.5985 OF 2018

ORDER:

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

2. When the matter is taken up, written instructions, dated 22.02.2018, furnished by the Sub-Inspector of Police, Rajendranagar Police Station are placed on record by the learned Government Pleader for Home. The said instructions read as under:

“The petitioner herein has filed a private complaint U/sec.200 Cr.P.C. before the Hon’ble Court of VIII Metropolitan Magistrate, Cyberabad at Rajendranagar against Mr.Adirala @ B.Sathaiah and 29 others. Upon receipt of the above private complaint, the Hon’ble Court forwarded it to the Station House Officer, Rajendranagar Police Station for investigation and report U/sec.156(3) Cr.P.C.

On receipt of the private complaint from the Hon’ble Court, a case in Cr.No.1199/2017 U/secs.420, 468, 471, 418, 120-B r/w.34 IPC and Sec.156 (3) Cr.P.C. dt.13.6.2017 was registered on the file of Rajendranagar Police Station and taken up the investigation into the case. The unofficial respondents 3 to 8 and others are shown as accused in the FIR.

The sum and substance of private complaint of the petitioner herein is that all the accused fraudulently created fabricated documents and forged his signature in favour of the and executed another person in respect of land to an extent of Ac.0.12 gts in Sy.No.17/aa situated at Sogibowli, Upperpally, Rajendranagar.

During the course of investigation, the investigation officer examined the complainant/petitioner and recorded his detailed statement. Notice U/sec.41-A Cr.P.C. was issued to A6 Mr.Syed Manzoor Hussain who is the builder of the subject property in question, calling for his explanation. In his reply, he stated that a civil suit in O.S.No.1187/2013 is pending on the file of the Hon'ble Court of VII Senior Civil Judge, LB Nagar Court, Rajendranagar and also some other civil suits are pending before the same courts and apart from that, a case in W.P.No.37844/2016 is pending before the Hon'ble High Court at Hyderabad.

As part of investigation into the cases, notices U/secs.91 Cr.P.C. were issued to the petitioner herein on 10.7.2017, 27.12.2017 and 21.2.2018 requesting him to produce the relevant original documents in support of his version and other relevant including cited witnesses. But the petitioner/complainant did not turned up with any relevant documentary evidence. The same has to be verified by the investigating agency.

It is submitted that the averments made in the affidavit are the subject matter of investigation in Cr.No.1199/2017 dt.13.6.2017, for which, a detailed investigation is under progress. Because of non-production of relevant documentary evidence including the witnesses by the complainant, the case is pending investigation.

I assure to this Hon'ble Court that the investigation will be completed as expeditiously as possible and an appropriate report will be filed before the concerned Hon'ble Court basing on the outcome of the investigation into the case at the earliest."

3. Having regard to the submissions of the learned counsel for the petitioner and the learned Government Pleader, this Court deems it appropriate to dispose of the writ petition by placing on record the above said instructions with a further direction to the

respondent police authorities to complete the investigation and file a final report as expeditiously as possible.

4. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

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

JUSTICE A.V.SESHA SAI

Date : 23.02.2018
AMD



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AMD