

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.9859 of 2018

ORDER:

In this writ petition, the only request of the writ petitioner is to give a direction to respondent No.2 to complete investigation into the case in Crime No.427 of 2017 on the file of the Station House Officer, Malkajgiri Police Station.

2. I have heard the submissions of the learned counsel for the petitioner and of the learned Government Pleader for Home (TG) appearing for the respondents. I have perused the material record.

3. Learned counsel for the petitioner would submit that though the crime has been registered on 08.06.2017, no further progress on proper lines has been made in the investigation and that aggrieved thereof, the petitioner has approached the learned X Metropolitan Magistrate, Cyberabad at Malkajgiri, by filing CrI.M.P.No.1795 of 2017 in the afore-stated crime and that, on merits, the learned Magistrate, having followed the precedential guidance in the decision of the Supreme Court in **Sakri Vasu v. State of U.P¹**, directed the Investigating Officer to conduct proper investigation by issuing notice under Section 41 (A) of the Code of Criminal Procedure and take other steps against the accused therein and obtain specimen signatures of the petitioner herein, and that despite the said order passed by the learned Magistrate concerned, no proper further investigation is going on in the crime and, therefore, the writ petition is filed.

¹ 2008 (2) SCC 409

4. Learned Government Pleader for Home, on written instructions, which are placed on record, would submit that on the selfsame allegations, Calender Case No.117 of 2016, under Section 138 read with Section 142 of the Negotiable Instruments Act, is pending on the file of the Court of the learned Metropolitan Magistrate, Malkajgiri, and that another case in Crime No.605 of 2016 is also registered for the offences punishable under Sections 406 and 420 of Indian Penal Code and that keeping in view the said two cases, investigation is taken up in this subject crime also and that during the course of investigation, detailed statements of some of the listed witnesses are also recorded and that *prima facie* it appeared to the Investigating Officers that on the selfsame allegations, the accused cannot be once again charged and that, in any view of the matter, the Police Officer concerned would complete the investigation and file a proper final report in the present crime also as per the procedure established by law.

5. Recording the submissions, the Writ Petition is disposed of directing respondent No.2 to complete the investigation in the subject Crime No.427 of 2017, as expeditiously as possible and file final report, however after due adherence to the procedure established by law.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

M.SEETHARAMA MURTI, J

27.03.2018

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