

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.10796 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner requesting to declare the inaction of the respondents 3 to 5 in registering the crime on the report of the petitioner lodged with the Station House Officer, Saidabad Police Station, Hyderabad/5th respondent herein, against the respondents 6 to 10.

2. I have heard the submissions of Sri *M.Prudvi Raju*, learned counsel appearing for the petitioner, and of the learned Government Pleader for Home (A.P.) appearing for the respondents 1 to 5. I have perused the material record.

3. At the hearing, learned Government Pleader for Home, on written instructions, dated 02.04.2018, a copy of which is placed on record, would submit that after conducting a preliminary enquiry into the matter, a case in Crime No.111 of 2018 was registered, on the file of Saidabad Police Station, based on the complaint received through post on 23.03.2018 and that the said crime was registered for the offences punishable under Sections 504, 506, 509 read with 34 of Indian Penal Code, 1860, and that investigation is taken up into the case. He placed on record a copy of the FIR in the afore-stated crime.

4. Learned counsel for the petitioner submits that in the FIR, all the penal provisions, which are attracted to the case are not mentioned and that, therefore, the petitioner apprehends that the

Police Officer may come under the influence of the accused in the crime.

5. Learned Government Pleader for Home, in reply, would submit that the Police Officer, after completion of the investigation, would formulate an opinion as to whether a charge sheet or a final report (referred report) should be filed and it is for the Police Officer to take a considered decision in the matter as to which penal provisions of law shall be mentioned in the charge sheet, in the event he comes to the conclusion that a charge sheet is to be filed and that at this stage, no directions need be given to the Police Officer in that regard.

6. Recording the submissions, the Writ Petition is disposed of directing the Station House Officer, Saidabad Police Station, Hyderabad/5th respondent herein, to complete the investigation into the afore-stated crime, as expeditiously as possible, and file a final report, either way, by following the procedure established by law. It is made clear that in the event the petitioner is aggrieved of the final report that may be filed by the Police Officer, it is always open to the petitioner to pursue the remedies, which the law permits. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

M.SEETHARAMA MURTI, J

Date: 13th April, 2018

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