

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.11811 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim the following relief:

“..to pass an order or orders one in the nature of writ of mandamus declaring the action of the Respondents for not disposing off the representation Respondent No. 1 to 4 to dispose of the representation dated 28-11-2017, 29-11-2017 and 30-11-2017 for closure of FIR No.444/2017 dated 12-08-2017, at Police Station Raidurgum, on a false complaint by one Mr. Qhizer Bin Abubakar, who is the respondent no. 6 in which the petitioner was falsely implicated as an accused under the offences under Section 448 R/w 365, 342 R/w 384 R/w147 R/w 506 R/w 149 of IPC dated 12-08-2017 on 23:45Pm, including not to take any disciplinary proceeding against the petitioner, and declare the action of the respondents as the illegal, Arbitrary violations of principals of natural Justice against law and also against the Articles of the Constitution of India and to pass such other order or orders as this Hon'ble Court may deem fit in the circumstances of the case.”

2. I have heard the submissions of the learned counsel for the petitioner and of the learned Government Pleader for Home (Telangana) appearing for respondents 1 to 5. I have perused the material record.

3. At the hearing, learned counsel for the petitioner submitted that the petitioner gave a representation, dated 28.11.2017, to respondents 1 to 4 for closure of FIR No.444 of 2017 registered by the Station House Officer, Raidurgam Police Station, on 12.08.2017, stating various reasons therein in support of the said request and that for non-consideration of the said representation, the present writ petition is filed.

4. Learned Government Pleader for Home, on oral instructions, would submit that the request of the petitioner in the said representation cannot be considered, as it is not possible to close the crime. He would further submit that once a crime is registered,

the investigation must reach a logical conclusion, and only on the conclusion of the investigation, a decision as to whether a charge sheet or a final report (referred report) shall be filed would be taken by the officer concerned and hence, the petitioner is not entitled to the relief claimed in the writ petition.

5. In reply, learned counsel for the petitioner requested to reserve liberty to the petitioner to submit a fresh representation to the appropriate authority in the event this Court is inclined to close the writ petition as not maintainable.

6. Recording the submissions, the writ petition is disposed of reserving liberty to the petitioner to submit a fresh representation, as sought for by the petitioner, to the appropriate authority, within two weeks from the date of receipt of a copy of this order. In the event the petitioner submits any such representation, the same shall be considered and disposed of by the said officer in strict accordance with the procedure established by law. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M. SEETHARAMA MURTI, J

Date: 10.04.2018
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