

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.14697 of 2018

ORDER:

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

“For the reasons stated in the accompanying affidavit, the petitioner herein prayed that this Hon’ble Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the inaction of the Respondent No. 3 and 4 is not conducting the proper investigation in FIR No. 49 of 2017 dated:02-02-2017 without following the due process of law, as illegal, irregular, arbitrary violative of the provisions of the Code of Criminal Procedure, 1973 and offends article 14 of Constitution of India and consequently direct the Respondent No. 3 and 4 conduct the proper investigation in FIR No. 49 of 2017 dated:02-02-2017 and pass such other orders or order as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

2. I have heard the submissions of Sri *Mohammad Naseer Pasha*, learned counsel appearing for the petitioner, and of the learned Government Pleader for Home (Telangana) appearing for the respondents 1 to 4. I have perused the material record.

3. The case of the writ petitioner is this: ‘On the report of the writ petitioner, the case in Crime No.49 of 2017 was registered on 02.02.2017, on the file of Pahadishareef Police Station, Rachakonda Commissionerate. The grievance of the writ petitioner is that the Police Officer is not conducting investigation on proper lines. During the course of investigation, it is necessary to get compared the thumb impressions of the accused with the thumb impressions, which are disputed and which are available on the document of the year 1993; and, it is also necessary to get compared the thumb impressions on the documents of the years 1985 and 1993 *inter se* and, therefore, it is necessary for the Investigating Officer to obtain an expert’s opinion on the above aspects. However, the Investigating Officer obtained an opinion from the expert with

regard to the thumb impressions of the accused and the thumb impressions that are available on the document of the year 1985 only. The same is not sufficient for arriving at a truth in the matter. Hence, the writ petition is filed.'

4. Learned Government Pleader for Home submits that if the grievance of the writ petitioner is that the investigation is not going on proper lines, the petitioner shall seek the necessary remedy from the Court of the learned Magistrate and that the writ petition is not maintainable. He further submits that the investigation is going on, on proper lines and that the submissions of the writ petitioner are not correct and the writ petition is not maintainable.

5. Learned counsel for the petitioner, in reply, would submit that if the representation given by the petitioner on the above aspects is considered by the investigating officer during the course of investigation and if further investigation is conducted after taking into consideration the contents of the said representation of the petitioner, the ends of justice would be met.

6. Recording the submissions, the Writ Petition is disposed of directing the respondents 3 & 4 to consider the representation, dated 12.04.2018, of the petitioner and take an appropriate action in the matter during the course of further investigation into the afore-stated crime. 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: 24th April, 2018

Note: Issue C.C. by tomorrow.

(B/o.)

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101

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Date: 24th April, 2018

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