

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.762 of 2017

ORDER:

The prayer in the writ petition is as under:

“to issue an appropriate writ, order or direction, preferably in the nature of a writ of Certiorari calling for the records pertaining to F.I.R No.140 of 2016 dated 08-03-2016 registered by respondent No.2 Police on the complaint made by respondent No.3 and upon perusal of the same be pleased to quash the said F.I.R. No.140 of 2016 dated 08-03-2016 pending before respondent No.2 so far as the petitioner is concerned in the interest of justice and pass such other order or orders as this Hon'ble Court deems fit and proper under the circumstances of the case and in the interest of justice”

2. Heard the learned counsel for petitioner, and the learned Government Pleader for Home (TG) representing the respondents 1 & 2. No proof of service is filed for the notice ordered to respondent No.3-de-facto complainant. Even the Writ Petition can be disposed of without the presence of respondent No.3.

3. On 05.01.2017, this Court, while ordering notice before admission, directed the respondents i.e., respondent No.2 to proceed with the investigation without arresting the petitioner. It is the submission of learned Government Pleader for Home (TG) supra that the police after investigation filed the final report in the form of charge sheet that was taken cognizance of the learned Chief Metropolitan Magistrate concerned and allotted C.C.No.1479 of 2017.

4. Having regard to the above, the relief in the writ petition has become infructuous and there is nothing to quash the F.I.R. No.140 of 2016, but for to impugn the police final report if at all including in the course of hearing for any discharge required before farming of any charge.

Accordingly, this Writ Petition is disposed of. No order as to costs. Miscellaneous Petitions pending, if any, shall stand closed.

24.04.2018
MVA

Dr. B. SIVA SANKARA RAO, J

