

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.33800 of 2018

ORDER:

This writ petition is filed by the petitioner under Article 226 of the Constitution of India, for the following relief:

“...to issue a writ or order or direction more fully in the nature of writ of mandamus declaring the action of the 2nd Respondent Registering the case against the petitioner herein as Crime No.291/ 2014 dated 13-11-2014 on the file of Central Crime Station Hyderabad without having jurisdiction to entertain the case at Hyderabad and consequently direct the 2nd respondent to follow due process of law and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of case.”

2. The petitioner is one of the accused among two or more accused of crime No.291 of 2014 dated 13.11.2014 registered by Central Crime Station, Hyderabad, for the offences punishable under Sections 420, 467 and 468 IPC.

3. The 3rd respondent herein is the de facto complainant. The case is under investigation, thereby, for the past four years with no finality. In fact, a perusal of the writ petition running in 10 paras with four pages with the affidavit of the petitioner, there is a non-disclosure about the earlier filing of quash petition in CrI.P.No.7198 of 2018 that was disposed of by order dated 11.07.2018 with observation in para-3 that having regard to the nature of the complaint allegations, this Court is of the considered view that petition cannot be

quashed and the investigation shall lead to its logical conclusion and observed to follow Section 41-A Cr.P.C.

4. Once such is the case, the present petition is nothing but abuse of process and liable to be dismissed only on that count that too from the bar in view of the earlier order of no grounds to quash pending investigation.

5. Having regard to the above, the Writ Petition, rather than dismissal, disposed of with above observations and by left open all defences of the petitioner if at all from police final report to impugn. Since the crime is of the year 2014, and pending for past 4 years with no progress practically, the police are directed to complete the investigation within three months from the date of receipt of copy of this order and file final report to reach logical conclusion of the investigation.

6. Accordingly, the Criminal Petition is disposed of.

7. Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 20.12.2018
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