

HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.36534 of 2018

ORDER:-

When the matter is taken up, the written instructions furnished by the Sub-Inspector of Police, Gandhi Nagar Police Station, dated 01.11.2018, are placed on record by the learned Government Pleader. The said instructions read as under:-

“Upon receipt of the said private complaint, the Hon'ble Court forwarded it to this respondent Police Station of Gandhinagar for investigation and report under Section 156(3) Cr.P.C. vide SR.No.1425 of 2018.

It is humbly submitted that already on the direct complaint of the petitioner herein, a case in Cr.No.44/2017 was registered for the offences punishable under Sections 341, 324 and 506 r/w 34 I.P.C., on the file of Gandhi Nagar Police Station and hence no second FIR on the very same accused and on the very same contents of the complaint except Section 307 I.P.C., is necessary on the private complaint filed by the petitioner herein.

Accordingly, a detailed report was filed before the Hon'ble Court of X-Additional Chief Metropolitan Magistrate, at Secunderabad, vide SR.No.3870/2018, dated 11.10.2018.

A copy of the report which was filed before the concerned Hon'ble Court is annexed to this written instructions for the kind perusal of this Hon'ble Court.

It is always open to the petitioner to file a protest petition before the concerned Hon'ble Court whereat the report filed by this respondent Police is pending consideration.

It is important to submit that already the accused A1 to A3 in Cr.No.44/2017 are facing trial in C.C.No.631/2017 for the offences pbls under Sections 341, 324 and 506 r/w 34 I.P.C., and hence no second FIR on the very same contents of the private complaint is not proper and just.

It is always open to the petitioner to put forth his contentions if any before the trial Court in C.C.No.631/2017 and the trial Court can add any Sections of Law during the course of trial against the same accused in both the complaints.”

Accordingly, the Writ Petition is disposed of, by placing on record the said instructions furnished by the Sub-Inspector of Police, Gandhi Nagar Police Station, dated 01.11.2018. However, it is open for the petitioner herein to avail other remedies open, if he is so advised.

Miscellaneous petitions pending, if any, shall stand disposed of. There shall be no order as to costs.

A.V.Sesha Sai, J

Date:30.11.2018
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