

HON'BLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.38988 of 2013

ORDER:

Heard the learned counsel for the petitioner.

The prayer sought in the writ petition is as under:

“... to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus by declaring the action of the official respondent Nos.1 to 3 more particularly the respondent No.2 is not taking any serious action against his subordinates who are the respondent Nos.4 and 5 in the light of the writ petitioner's written complaint dt 23.12.2013 and also the respondent Nos.4 and 5 are not doing fair investigation in respect of crime in FIR No.338 of 2013 dt 03.12.2013 which is against the respondent Nos.6 and 7 including their henchmen as arbitrary, highhanded, illegal and dereliction of duty and consequently direct the respondent No.2 to take immediate action against the respondent Nos.4 and 5 besides direct the respondent Nos.4 and 5 not to meddle in the civil disputes in respect of the writ petitioner's property bearing municipal No.10-3-282/2/A/12 on Plot No.6 at Venkatadri Nagar Colony admeasuring 332 Sq. yards situated at Humayun Nagar, Hyderabad in the interest of justice.”

The main grievance of the petitioner in the present writ petition is that the 2nd respondent is not taking any action against his subordinates, who are respondent Nos.4 and 5, in the light of the written complaint dated 23.12.2013 lodged by him, and also respondent Nos.4 and 5 in not doing fair investigation in spite of registration of crime in FIR.No.338 of 2013 dated 03.12.2013 against respondent Nos.6 and 7 including their henchmen. Consequently, the petitioner also sought a direction to respondent Nos.4 and 5 not to meddle in the civil disputes in respect of the petitioner's property bearing municipal No.10-3-282/2/A/12 on plot No.6 at Venkatadri Nagar Colony admeasuring 332 square yards situated at Humayun Nagar, Hyderabad.

Learned Government Pleader filed counter affidavit of respondent No.3, wherein it is stated that during the enquiry it is found that delay in investigation of Crime No.338 of 2013 resulted

in the petitioner developing grudge against the police officers of Humayun Nagar Police Station. As a result, he filed a complaint on 23.12.2013 before the Commissioner of Police with false and concocted statements. At present, Crime No.337 of 2013 is under investigation for want of original deed vide document No.3630/2013 dated 03.08.2013 and in Crime No.338 of 2013 this Court granted interim stay of investigation. After the stay is vacated, the case will be investigated on its merits. It is stated that they have never interfered with the civil disputes in respect of the petitioner's property as stated above. It is also mentioned that civil suits are also pending on the file of the IX Additional Chief Judge, City Civil Court, Hyderabad vide O.S.No.238 of 2011 and O.S.No.889 of 2013. Since both the crimes have been registered on the same property, the cases are under investigation for collection of substantial evidence. That apart, the petitioner filed yet another private complaint under Section 156 (3) Cr.P.C., and the same is registered as Crime No.377 of 2013 alleging that the will deed of Smt. Susheela Davi is forged one.

In the light of the above said statements made in the counter affidavit, this Court is of the opinion that by virtue of the interim orders passed by this Court, the investigation came to be stalled. If the presence of the petitioner is required during the course of investigation, the respondent police shall not call the petitioner to the police station without issuing notice under Section 41 (a) Cr.P.C. Therefore, this Court finds no merit in the writ petition.

Accordingly, the writ petition is closed.

However, the 4th respondent is directed to complete the investigation as expeditiously as possible and file the final report as per law.

Miscellaneous petitions, if any, shall also stand closed.

Date: 06.11.2018.
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P. KESHAVA RAO, J

