

HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.41656 of 2018

ORDER:-

When the matter is taken up, the written instructions furnished by the Sub-Inspector of Police, Shahalibanda Police Station, dated 19.11.2018, are placed on record by the learned Government Pleader. The said instructions read as under:-

“One Mr.Afroz Ahmed, son of Iqbal Ahmed, resident of Yakutpura, Hyderabad, has approached the police of Shaibanda Police Station,Hyderabad, and lodged a complaint on 05.11.2018 to take action against Habeeb Mohd.Khan @ Habeen Mahindi Penalwan and his henchmen (who are the petitioners herein) as they are interfering into the peaceful possession of the property of the complainant i.e., bearing H.No.20-5-642 to 644, Mohaila Chowk Aspan, Gazipura, Hyderabad, total admeasuring 271 Sq.Yds. and also threatened them with dire consequences.

Basing on the contents of the above complaint, a case in Cr.No.97/2018, under Sections 447, 504 and 506 I.P.C., dated 05.11.2018, was registered on the file of Shahalibanda Police Station and taken up the investigation into the case.

So far, the Investigating Officer examined the complainant Mr.Afroz Ahmed and 4 other witnesses and recorded their detailed statements.

As part of the investigation into the case, notices under Section 41 (A) Cr.P.C.,, dated 06.11.2018 was issued to the 1st petitioner (A.1) herein.

It is submitted that the investigation is at the initial stage. Necessary steps will be taken against the accused in the FIR basing on the outcome of the investigation into the case.

It is pertinent to submit that except registration of the above crime and proceeding with the investigation

into the case, this respondent police never interfered with the life and liberty of the petitioner herein.

It is also pertinent to submit that to divert the attention of the investigating agency in not conducting the investigation into the case in a fair and proper manner and mainly to escape from their criminal overt acts in the commission of offences, the petitioners filed the present Writ Petition with false and untenable allegations.

It is also respectfully submitted that on coming to know the lodging of the complaint against the petitioners, the petitioners having bore grudge against the complainant filed the present Writ Petition. If the petitioner makes the complainant Mr.Afroz Ahmed as party respondent to this Writ Petition, the real facts would have come to light."

On noticing the same, it is requested by the learned Counsel appearing for the petitioners to place the above instructions on record and dispose of the Writ Petition.

Accordingly, the Writ Petition is disposed of, by placing on record the said instructions furnished by the Sub-Inspector of Police, Shahalibanda Police Station, dated 19.11.2018.

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

A.V.Sesha Sai, J

Date:26.11.2018
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