

THE HONOURABLE SRI JUSTICE P. KESHA VA RAO

WRIT PETITION No.6010 of 2014

ORDER:

There is no representation on behalf of the petitioner. Heard learned Government Pleader appearing for respondent Nos.1 to 3 and learned counsel appearing for respondent No.4

2. The prayer sought in the writ petition is as under:-

“...to issue writ, order, direction, more particularly one in the nature of Writ of Mandamus or any other appropriate writ or order or direction to the Respondent No.1 & 2 to direct the Respondent No.3 to make proper and necessary enquiry and file the actual facts in the FIR No.538/2013, dt.19/12/2013 of P.S., Patanchervu Medak (dt), ...”

3. Respondent No.3 filed a counter-affidavit. From the perusal of averments made in counter-affidavit, it is revealed that pursuant to the complaint lodged by the petitioner, a case in Crime No.538 of 2013 for the offences under Sections 420, 427, 500, 120-B and 506 IPC was registered on 19.12.2019 against one Raju Prasad and others on the file of the Patancheru Police Station, Medak District, and investigation was taken up by the Sub-Inspector of Police, Patancheru Police Station, Medak District. It is also mentioned in the counter-affidavit that during the course of investigation, the Investigating Officer examined the complainant/petitioner and recorded his detailed statement. The petitioner in his statement stated that he filed an application in I.A.No.59 of 2013 in O.S.No.117 of 2011 before the I Additional District Judge, Medak at Sanga Reddy, for setting aside

the *ex parte* decree. The further investigation revealed that the matter is civil in nature between the complainant/petitioner and the accused/defendants in O.S.No.117 of 2011 on the file of the I Additional District Judge, Medak at Sanga Reddy. In these circumstances, the Investigating Officer obtained opinion from the Deputy Director of Prosecution, Medak at Sanga Reddy, on 10.01.2014, having referred the case as civil in nature. The Sub Divisional Police Officer, R.C.Puram, accorded permission to refer the case as civil in nature, vide No.10/FRSD-RCP/2014, dated 20.01.2014. The Investigating Officer tried to serve the notice on the complainant/petitioner, but he refused to receive the same. It is also further mentioned that after service of notice to the petitioner, final report will be filed before the concerned Magistrate.

4. Learned Government Pleader on oral instructions brought to the notice of this Court that the final report is filed.

5. In these circumstances, if the petitioner has got any objections or not satisfied with the final report, the remedy available to him is to file a protest application before the concerned Magistrate. Therefore, this Court is of the opinion that no further cause would survive in the writ petition and the same is liable to be dismissed.

6. Accordingly, the writ petition is dismissed.

Miscellaneous petitions pending, if any, shall stand dismissed.

No costs.

6th November 2019
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P. KESHA VA RAO, J