

THE HONOURABLE SRI JUSTICE P. KESHA VA RAO

WRIT PETITION No.31899 of 2013

ORDER:

There is no representation on behalf of the petitioner.

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

“...to issue a writ or order or direction more particularly one in the nature of Writ of certiorari calling for the records pertaining to the proceedings issued by the Respondent No.2 vide C.No.2754/C-13/CID/2012, dated 13.10.2012 and C.No.2754/C-13/CID/2012, dated 13.10.2012 and filing of final report in Crime No.255 of 2010 as civil in nature before the VI Additional Chief Metropolitan Magistrate Court at Nampally, Hyderabad and declare the same as illegal, arbitrary, malafied, highhanded, set aside the same and consequently direct the Respondent No.2 herein to handover the case files of Crime No.255 of 2010 to the originally registered Police Stations for investigating into the crimes...”

3. Learned Government Pleader appearing for respondent Nos.1 to 4 placed on record the written instructions, dated 18.10.2019, issued by the Deputy Superintendent of Police, CID, EOW, Hyderabad.

4. From the perusal of said written instructions, it is revealed that the previous Investigating Officer filed a final report referring the case as ‘civil in nature’ before the learned VI ACMM, Nampally, Hyderabad, on 07.10.2013. Based on the said final report, the learned Magistrate issued notice to the complainant/petitioner referring the case as ‘civil in nature’ and directed the petitioner to attend the Court

on 14.03.2019 to express objections in writing or by orally through any advocate on the final report. On 19.07.2019, the learned Magistrate passed orders to the effect that 'in spite of conditional order, no representation and no fresh order of this Court was filed before the Court below. In view of those circumstances, final report filed by the Investigating Officer was accepted and proceedings are issued accordingly', vide referred charge sheet No.43 of 2019. Copy of the notice and docket order are enclosed in the written instructions are made part of the record.

5. In these circumstances, this Court is of the opinion that the remedy available to the petitioner is to file a protest application before the concerned Magistrate, if he is aggrieved or if he has got any objections on the final report. Therefore, there are no merits 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. KESHAVA RAO, J