

THE HONOURABLE SRI JUSTICE P. KESHA VA RAO

WRIT PETITION No.26675 of 2014

ORDER:

Heard learned counsel for the petitioner as well as learned Government Pleader appearing for the respondents 1 and 2.

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

“...to issue an appropriate writ or direction, more particularly a Writ in the nature of Mandamus declaring the inaction of the 2nd respondent in conducting investigation in FIR No.538 of 2014 dated 30.06.2014 on the file of P.S.Rajendranagar as illegal, arbitrary and unconstitutional and consequently direct the 2nd respondent to forthwith arrest the accused in crime No.538 of 2014 on the file of P.S.Rajendranagar for the offence under section 420, 468, 471, 120-B R/w Section 34 IPC and be pleased to pass such other order or orders as this Hon’ble Court deems fit and proper in the circumstances of the case.”

3. Learned Government Pleader placed on record the written instructions, dated 14.11.2019, issued by the Sub-Inspector of Police, Rajenderanagar Police Station, Cyberabad Commissionerate, as well as counter-affidavit of the 2nd respondent.

4. From a perusal of the said written instructions and also counter-affidavit, it is revealed that the petitioner herein lodged a private complaint under Section 200 Cr.P.C. before the VIII Metropolitan Magistrate, Cyaberabad at Rajendranagar, against one Adirala @ B.Sathaiah and others with regard to the land in Survey No.17/AA, admeasuring Ac.0.12 gts., situated at Sogibowli Village, Rajendranagar Mandal of Ranga Reddy District. Pursuant to the complaint, a case in Crime No.538 of 2014, dated 30.06.2014, for the offences under Sections 420, 468, 471 and 120-B read with

Section 34 IPC was registered. During the course of investigation, three witnesses were examined and their statements were recorded. When the investigation is in progress, this Court stayed the investigation in W.P.No.26675 of 2014 on 10.09.2014. After vacating the stay orders, three notices under Section 91/160 Cr.P.C. on different dates i.e., on 25.05.2019, 10.07.2019 and 22.09.2019, were served on the complainant/petitioner asking him to submit relevant documents to establish the offence. In spite of serving the said notices, the petitioner did not produce sufficient documentary evidence to establish the offences against the accused persons. In those circumstances, the Investigating Officer made a requisition to the Assistant Commissioner of Police, Rajendranagar, requesting to accord permission to refer the case as lack of evidence. The Assistant Commissioner of Police, Rajendranagar, has accorded permission to refer the case as 'lack of evidence' vide proceedings No.490/CD/Fine/RJNR/ACP/CYB/2019, dated 12.11.2019. Thereupon, the Investigating Officer tried to serve notice on 12.11.2019 on the petitioner, but, he evaded to receive the same. Finally, the petitioner approached the 2nd respondent whereupon he was served notice on 14.11.2019. After serving notice, final report was filed before the learned IVX Metropolitan Magistrate, Rajendranagar, vide Inward No.6415 of 2019, dated 14.11.2019.

5. From this, it is evident that since the final report is already filed before the concerned Court, after serving notice on the petitioner, if the petitioner is aggrieved by the said final report, the remedy

available to him is to file a protest application, as per the provision of the Criminal Procedure Code. In that view of the matter, this Court is of the opinion that no further cause would survive in the writ petition and the same is liable to be closed.

6. Accordingly, the writ petition is closed. However, liberty is given to the petitioner to raise his objections on the final report, if the petitioner has got any objections. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

24th December 2019
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P. KESHA VA RAO, J

