

HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.9021 of 2014

ORDER:

There is no representation on behalf of the petitioner.

The prayer sought in the writ petition is as under:

“...to issue a writ or order or direction more specifically in the nature of writ of Mandamus or any other appropriate direction declaring the action of the respondents in illegally dispossessing the petitioner and his family from his residential house bearing municipal number H.No.9-4-57/D/11/7, Hakeempet, Tolichowki, Hyderabad by keeping my son in their illegal custody as illegal, ultravires in the interest of justice and equity.”

Learned Government Pleader appearing for the respondents placed on record latest written instructions dated 18.11.2019 issued by the Station House Officer, Banjara Hills Police Station, Hyderabad. Counter affidavit is also filed on behalf of respondent No.3.

From a perusal of the counter affidavit, it is revealed that one Mr. Fareed Bvin Farooq Al Jabri, son of Farooq Bin Omer Al Jabri, son of the petitioner, approached the Banjara Hills Police Station, Hyderabad, and lodged a complaint on 19.03.2014 stating that one Mr. Mohammed Kareem and others trespassed into his property bearing No.9-4-57/D/11/7 in Sy.Nos.92, 96, 105 and 106 situated at Hakeempet admeasuring 300 square yards and threatened him with dire consequences. Based on the said complaint, a case in Crime No.284 of 2014 for the offence under Sections 447 and 506 read with Section 34 IPC was registered on 19.03.2014 on the file of Banjara Hills Police Station, Hyderabad. When the investigation was in progress, one Mr. Mohd. Mujahed Ali, resident of 17-4-59, Bada Bazaar, Yakuthpura, Hyderabad, approached the Banjara Hills police station and lodged a complaint

on 22.03.2014 stating that he is the absolute owner of the property bearing No.9-4-57/D/11/7 through a registered document and he has been in possession and his watchman Ismail and his family are staying in the said property. On the intervening night of 18/19.3.2014 around 0200 hours, some unknown persons 8 to 10 came to the said property and threw away all the house hold articles of the watchman. He kept his other costly goods and articles like light, kitchen, heavy equipments of his hotel Kababchi Food Court like broast machine, grill machine, heavy deep freezer, and other heavy equipment in the said premises. Hence, requested the police to take necessary action as per law. Based on the contents of the above said complaint, a case in Crime No.302 of 2014 for the offence under Section 448 read with Section 34 IPC was registered on 22.03.2014 and investigation was conducted. During the course of investigation of Crime No.302 of 2014 registered against the son of the petitioner, namely, Fareed Bin Farooq Al Jabri, he was arrested by the investigating agency on 23.03.2014 and remanded to judicial custody. It is also stated that on coming to know that the petitioner's son was involved in Crime No.302 of 2014, the petitioner approached this Court and filed the present writ petition with an intention to save the skin of his son in the above crime and divert the attention of the police in not conducting the investigation in proper and fair manner. The allegation of the petitioner that the Banjara Hills Police Station, Hyderabad, has been calling the petitioner's son daily in the name of settling the issue of the property and pressuring them to give away their property to Mujahid Hussain is absolutely false and denied. Even the allegation that her son was called to the police

station on 23.03.2014 for talks and made her son to sit in the police station for the whole day and pressurized him to sign on some papers is also denied. It is specifically stated that at no point of time the respondent police have asked the petitioner to settle the matter with any one nor harassed her as alleged in the complaint.

In the written instructions it is also specifically mentioned that as per the records investigation was completed and charge sheet was filed vide C.C.No.1218 of 2016. After the case is taken on record, both the parties compromised the matter before the Lok Adalath vide CrI.M.P.No.1674 of 2019 dated 13.07.2019 on the file of the III Additional Chief Metropolitan Magistrate, Hyderabad.

In view of the above said facts and circumstances, this Court is of the opinion that no further cause would survive in the writ petition and the same is bereft of material facts and merits and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

Miscellaneous petitions, if any, shall also stand dismissed.

P. KESHAVA RAO, J

Date: 25.11.2019.
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