

THE HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.3660 of 2014

ORDER:

Heard learned counsel for the petitioner as well as learned Government Pleader appearing for respondent Nos.1 to 4.

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

“.....to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No.4 in forcing the petitioner to vacate the House bearing Nos.23-5-775, 23-5-776 and 23-5-779, situated at Lal Darwaza, Hyderabad without any Civil Court order or Decree against the petitioner or his wife, as illegal, arbitrary, un-warrant, against the principles of natural justice apart from violative of Article 21 of the Constitution of India consequently direct the respondents not to interfere with the personal life and liberty of the petitioner and his wife by frequently visiting his abode and not to threaten the petitioner to vacate the House bearing Nos.23-5-775, 23-5-776 and 23-5-779, situated at Lal Darwaza, Hyderabad, in the name of investigation and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

3. During the course of arguments, learned Government Pleader placed on record the written instructions, dated 15.02.2014, issued by the Sub-Inspector of Police, Moghalpura Police Station, Hyderabad.

4. From perusal of the said written instructions, it is revealed that on the complaint of M.Krishna Rao, the police of Moghalpura Police Station, Hyderabad, a case in Crime No.79 of 2013 for the offences under Sections 406, 420, 468, 471 and 506 read with 34 IPC was registered on 05.07.2013 against the petitioner and his wife and

investigation was taken up. Basing on the evidence collected during the course of investigation, the petitioner was arrested by the police of Moghalpura on 27.12.2013 and was produced before the VIII Additional Chief Metropolitan Magistrate, Nampally, and on the same day he was sent to judicial custody. Subsequently, the petitioner was released on 10.01.2014. As far as A.2, the wife of the petitioner herein, is concerned, she was absconding since the date of registration of the crime and her whereabouts were not known till the date of issuing the written instructions. When the investigating agency is making efforts to apprehend the wife of the petitioner, i.e., A.2., in the said case, the petitioner has come out with W.P.No.1818 of 2014 with malafide intention and to divert the attention of the investigating agency in not proceeding with the investigation in a proper and fair manner. It is specifically mentioned in the written instructions that respondent No.4 never asked the petitioner to vacate the subject premises in question.

5. Taking the above said facts and circumstances, this Court is of the opinion that no further cause would survive in the writ petition, since it is specifically stated in the writ petition that the 4th respondent never asked the petitioner to vacate the subject premises in question.

6. Accordingly, the writ petition is closed.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

P. KESHAVA RAO, J

25th October 2019
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