

HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.37804 of 2013

ORDER:

There is no representation on behalf of the petitioners.

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 to declaring the action of the 6 to 9 respondent police colluded with the 10th respondent G.Ramakrishna detained the petitioner dated 11.12.2013 at about 10 a.m. to 9.30 p.m. in the night in CCS police station, Hyderabad and harassing him mentally by misusing their power and authority without having any jurisdiction threatened and insist him to execute 2 memorandum of understandings No:15848 and No:5849 an amount of Rs.3 crores each and 2 promissory notes worth of Rs.1 crore and 75 lakhs dated 11.12.2013 in favour of 10th respondent as illegal, arbitrary and contrary to the provisions of the C.R.P.C. apart from violative of Articles 14, 16 and 21 of the Constitution of India and consequentially direct the respondents No.1 to 5 to take action against the respondents No.6 to 9 for illegal settlements in favour of 10th respondent G. Rama Krishna without having any power, authority and jurisdiction and further direct the respondents 3 to 10 to return the documents forcibly executed by the petitioner in the CCS Police Station, Hyderabad in favour of 10th respondent by giving protection to the petitioners life.”

Learned Government Pleader appearing for respondent Nos.1 to 6 placed on record written instructions dated 30.12.2013 issued by the Inspector of Police, Anti Dacoity and Robbery Team, Central Crime Station, Hyderabad.

From a perusal of the said written instructions it is evident that the 10th respondent herein lodged a complaint before the Deputy Commissioner of Police, Detective Department, Central Crime Station, Hyderabad, stating that the petitioners along with four others with a pre-meditated intention to deceive him approached him and requested to invest an amount of Rs.3 crores as investment and made him believe that he would get good profits out of such investments. After receipt of the said amount, the petitioners and others with a common intention diverted the said amounts for their individual benefits without executing the project

work as per the requirements of Bharath Coaking Coal Limited and by abandoning the project. They sold 40% share to the third party and further misappropriated the said amounts and refused to provide any accounts or books of the project. When the 10th respondent asked for audit reports of the project, the petitioners and others threatened him with dire consequences and requested to take necessary action as per law. Pursuant to the said complaint, a case in Crime No.155 of 2013 for the offence under Sections 420, 406, 506 and 477-A read with Section 34 IPC was registered on the file of the Central Crime Station, Hyderabad on 19.10.2013 and investigation was taken up. The petitioners are shown as A1 and A2 in the FIR. During the course of investigation, the Inspector of Police, Anti Dacoity and Robbery Team, Central Crime Station, Hyderabad, examined the 10th respondent and others and recorded their detailed statements. Investigation was pending for want of some more witnesses for collection of material evidence to find out *prima facie* case against the accused. Notices under Section 90/160 Cr.P.C., were also issued to the petitioners on 01.12.2013 and 09.12.2013 requesting them to appear before the investigating agency along with the relevant documents enabling the investigating agency to proceed with further course of action. As the petitioners are not available, notices could not be served apart from other aspects.

Learned Government Pleader, on instructions, brought to the notice of this Court that pursuant to the registration of the above said crime, investigation was completed and charge sheet was filed. The case was taken on file vide C.C.No.55 of 2016 and the same is pending trial.

In view of the above said instructions, this Court is of the opinion that there are no merits in the writ petition 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. KESHA RAO, J

Date: 11.11.2019.
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