

THE HONOURABLE SRI JUSTICE P. KESHA VA RAO

WRIT PETITION No.34264 of 2013

ORDER:

Heard Sri G.Dhanjaiah, learned senior counsel, appearing for the petitioner as well as learned Government Pleader appearing for the respondents 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 inaction on the part of respondents 1 to 4 is not investigating in to the offence in Crime No.732 of 2011 of P.S.Madhapur, and not taking any steps to punish the accused who are the respondent Nos.5 to 8 have committed crimes punishable U/Sec.409, 420, 464, 506, 120-B and also other provisions of I.P.C., as illegal, arbitrary and contrary to the provisions of Cr.P.C. and contrary to the settled principles of law and is against the very trust and faith of general public in Police Department and preservice of faith and trust in the investigating agency by alternative direction the other agencies such as the CBI to take up the investigation in Cr.No.732/2011 of Madhapur PS in the interest of justice and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

3. Learned Government Pleader appearing for the respondents 1 to 4 brought to the notice of this Court that pursuant to registration of Crime No.732 of 2011 on the file of the Madhapur Police Station, re-investigation was conducted in the above said crime and a final report was filed on 30.12.2015 before the XXV Metropolitan Magistrate,

Kukatpally, Cyberabad, referring the matter as 'un-detectable'. Learned Government Pleader also placed on record the duplicate copy of the notice in Form No.96 showing the endorsement of the petitioner 'received copy'.

4. In that view of the matter, if the petitioner has got any objections or not satisfied with the final report filed, the remedy available to her is to file a protest application before the very same Magistrate. However, learned senior counsel submits that the copy of the final report is not served on the petitioner. When the copy of the notice in Form No.96 shows the endorsement of the petitioner, it cannot be said that the petitioner is not aware of filing of the final report before the concerned Magistrate. Therefore, this Court is of the opinion that no further cause would survive in the writ petition and the same is liable to be closed.

5. Accordingly, the writ petition is closed, giving liberty to the petitioner to raise objections on the final report by way of filing protest application before the XXVI Metropolitan Magistrate, Kukatpally, Cyberabad.

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

P. KESHAVA RAO, J

22nd November 2019

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