

HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.11719 of 2014

ORDER:

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

The prayer sought in the writ petition is as under:

“... to grant an order or direction or writ, more so in the nature of writ of mandamus declaring the inaction of respondent No.4 in not taking any action against the accused in Cr.No.199 of 2013 on the file of 4th respondent as illegal, arbitrary highhanded and violative of Article 14 of Constitution of India and consequently direct the respondent No.4 to complete the investigation in accordance with law.”

During the course of hearing, learned Government Pleader placed on record written instructions dated 15.11.2019 issued by the Sub-Inspector of Police, Tukaramgate Police Station, Hyderabad.

From a perusal of the said written instructions, it is revealed that on the complaint of the petitioner a case in Crime No.199 of 2013 for the offences under Sections 420, 448, 406, 473 and 120(B) IPC was registered on the file of Tukaramgate Police Station on 21.12.2013. It is further mentioned that during the course of investigation, witnesses were examined and their detailed statements were recorded. After completion of investigation, a final report was filed referring the case as “lack of evidence” as per the proceedings of the Assistant Commissioner of Police, Gopalapuram on 30.09.2018.

If that be so, since the final report was already filed, the remedy available to the petitioner is to invoke the provisions of the Code of Criminal Procedure by way of a protest application and raise his objections. As such, no further cause would survive in the present writ petition.

Accordingly, the writ petition is closed. However, liberty is given to the petitioner to raise his objections by way of protest application, if the final report is served on him. No order as to costs.

Miscellaneous petitions, if any, shall also stand closed.

P. KESHAVA RAO, J

Date: 25.11.2019.
ES

