

THE HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.11260 of 2013

ORDER:

There is no representation on behalf of the petitioner.

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

“... to issue a Writ of Mandamus declaring the inaction of the respondents in not examining witnesses, seizing documents under section 91, 93 & 99 Cr.P.C. and taking action as per Criminal Procedure Code is illegal, arbitrary, malafide and capricious to the powers conferred on the respondents, transfer the matter to C.B.C.I.D. or any other Department, and pass...”

3. Learned Government Pleader appearing for respondent Nos.1 to 3 placed on record the written instructions, dated 11.06.2013, issued by the Sub-Inspector of Police, Moghalpura Police Station, Hyderabad.

4. From the perusal of the said written instructions, it is revealed that on the private complaint lodged by the petitioner, a case in Crime No.102 of 2012 was registered on 25.04.2012 against one S.A.Razzaq and seven others on the file of the Moghalpura Police Station, Hyderabad, and investigation was taken up. During the course of investigation, as many as six witnesses including the petitioner/complainant are examined and recorded their detailed statements. The witnesses did not support the version of the petitioner/complainant. In fact, LWs.2 to 5 stated that they have not

seen any incident which occurred on 04.11.2011 in the night hours. LW.6 is the owner of the Maruti Ritz Car bearing No.AP 12 T 8706 stated that his car was parked in his house at Bahadurpura when the incident took place. Based on the material, the A.C.P., Mir Chowk Division, accorded permission to refer the case as 'lack of evidence', vide No.89/FR/ACP/MC-DVN/2013, dated 26.03.2013. After serving the notice to the complainant on 28.03.2013, final report was filed on 10.04.2019 before the learned VIII ACMM Court, Hyderabad. The copies of the permission letter issued by the ACP and the final report are enclosed to the written instructions.

5. Since a final report is already filed on 10.04.2013, if the petitioner is not satisfied with the report and if he has got any objections, the remedy lies before the concerned Court by way of a protest application.

6. In view of the said facts, this Court is of the opinion that there are no merits in the writ petition and the same is liable to be dismissed.

7. Accordingly, the writ petition is dismissed.

Miscellaneous petitions pending, if any, shall stand dismissed.

No costs.

8th November 2019

mar

P. KESHAVA RAO, J