

THE HON'BLE SRI JUSTICE P.KESHAHA RAO

WRIT PETITION NO.27057 OF 2014

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader appearing for respondents 1 to 3.

The prayer sought in the Writ Petition is as under:-

“...to issue any appropriate Writ, Order or Direction preferably a writ in the nature of writ of Mandamus, declaring the action of the respondents 2 and 3 in issuing second notice on 01.09.2014 U/s. 41(a) of Cr.P.C. on the basis of the FIR No.36/2014 dated 19.02.2014 registered on the basis of the complaint of 4th respondent, demanding to produce/furnish information which is not relevant for conducting investigation as the same is beyond the scope and content of the complaint, as illegal, arbitrary, malafide, intentional, abuse of powers and consequently direct the respondents 2 and 3 to complete the investigation on the basis of information furnished to the first notice u/s.41(a) of Cr.P.C. dated 10.06.2014 by setting aside the second notice dated 01.09.2014 and to pass such other order or orders as this Hon'ble Court may deems fit, just and proper in the circumstances of the case.”

Learned counsel appearing for the petitioner brought to the notice of this Court that pursuant to registration of Crime No.36 of 2014 on 19.02.2014, investigation was conducted. After completion of the same, final report was filed before the concerned Magistrate referring it as civil in nature.

In that view of the matter, this Court is of the opinion that no further cause would survive in the Writ Petition.

Accordingly, the Writ Petition is closed. However, liberty is given to the petitioner to raise the objections against the final report, as per law.

There shall be no order as to costs. Miscellaneous applications, if any, pending shall stand closed.

(P.KESHAHA RAO, J)

13th November 2019
RRB

