

HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.38966 of 2013

ORDER:

Heard the learned counsel for the petitioner as well as the respondents.

The prayer sought in the writ petition is as follows:

“... to issue a writ, order or direction more particularly one in the nature of writ of mandamus (a) declaring the inaction of the respondent Nos.2 and 3 in conducting further investigation into Crime No.03/RCT-CR-2/2013 on the file of the Hon’ble Principal Special Judge for ACB cases, Hyderabad as arbitrary, illegal and violative of the right guaranteed to the petitioner under Article 21 of the Constitution of India and (b) directing the respondent Nos.2 and 3 to complete investigation into Crime No.03/RCT-CR-2/2013 on the file of the Hon’ble Principal Special Judge for ACB cases, Hyderabad, and file charge sheet and (c) declaring the action of the respondent Nos.2 to 6 in reinstating the respondent No.7 as Professor and Head of Department of Cardiology of the respondent No.5 as arbitrary and illegal and without jurisdiction and (d) directing the respondent No.6 to post the respondent No.7 to any other post other than the post of Professor and Head of Department of Cardiology pending conclusion of disciplinary and criminal proceedings against the respondent No.7.”

A counter is filed on behalf of respondent Nos.2 and 3, wherein it is stated that pursuant to the investigation conducted in Crime No.3/RCT-CR-II/2013, the Anti Corruption Bureau (ACB) sent a final report to the Government on 31.05.2014 for prosecution of the accused officer, Dr. D. Seshagiri Rao, Professor and Head of the Cardiology Department, Nizam’s Institute of Medical Sciences, Hyderabad, in a Court of law for the demand and acceptance of bribe amount from the complainant. The Government of Telangana vide Memo No.1860/VC/1/2013-3 dated 02.09.2015 issued orders to drop further action against

respondent No.7 and requested the ACB to take further necessary action. As per the instructions of the head office, vide Rc.No.22/RCT-CR2/2013-S-2 (Cr.No.3/RCT-CR2/2013) dated 20.01.2016, the investigating officer has filed a final report before the learned Principal Special Judge for SPE and ACB cases, Hyderabad, on 10.03.2016 for closure of FIR against respondent No.7. On 18.08.2017, the Special Court accepted the final report and issued proceedings for closure of FIR. It is relevant to note that for closure of FIR the remedy available to the petitioner is to file a protest application before the concerned Court and raise objections. By the time the investigation was conducted and final report was filed leading to issuance of the above said proceedings, the 7th respondent already retired from service. Therefore, the writ petition has become infructuous.

Learned counsel appearing for the 7th respondent has not disputed the version of respondent Nos.2 and 3 as stated in the counter.

In that view of the matter, this Court is of the opinion that no further cause would survive in the writ petition and the same is liable to be dismissed as infructuous.

Accordingly, the writ petition is dismissed. No costs.

Miscellaneous petitions, if any, shall also stand closed.

P. KESHA RAO, J