

THE HONOURABLE SRI JUSTICE P. KESHA VA RAO

WRIT PETITION No.11741 of 2013

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader appearing for respondent Nos.1 and 2.

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

“...to issue a writ, or order, or direction one in the nature of Writ of mandamus declare that the action of the respondents is high handed illegal, arbitrary, violation of principles of natural justice and violation of right of property and direct the respondents to delete the name of the petitioner in the above crime at the time of filing of the charge sheet by making proper and effective investigation and also return the gold articles taken away from the bank locker bearing No.4/13 of State Bank of India (SBI) St.Johns Road, Seunderabad belonging to the petitioner, pass any other relief, relief's deems fit and proper in the circumstances of the case.”

3. Learned Government Pleader appearing for respondent Nos.1 and 2 placed on record the written instructions, dated 08.11.2019, issued by the Sub Inspector of Police, Malkajgiri Police Station, Rachakonda Commissionerate.

4. From the perusal of the said written instructions, it is revealed that the petitioner herein was arraigned as accused No.4 in Crime No.298 of 2012 for the offences under Sections 498-A and 406 IPC and Sections 3 and 4 of the Dowry Prohibition Act of Malkajgiri Police Station, Cyberabad. After completion of investigation, charge

sheet was filed and after taking cognizance of the offences, case was numbered as C.C.No.1175 of 2014 on the file of the X Metropolitan Magistrate, Malkajgiri. It is also further mentioned that the matter is posted to 15.11.2019 for the purpose of cross-examination of PW.1.

5. From the contents of the affidavit filed in support of the writ petition and from the perusal of the prayer sought in the writ petition, this Court is of the opinion that the writ petition as filed is not maintainable. In fact, the petitioner can avail the remedies available to him by invoking the relevant provisions in Cr.P.C. As such, there are no merits in the writ petition and the same is liable to be dismissed.

6. Accordingly, the writ petition is dismissed. However, liberty is given to the petitioner to avail the remedies by invoking the relevant provisions in Cr.P.C. as per law.

Miscellaneous petitions pending, if any, shall stand dismissed.

No costs.

12th November 2019

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P. KESHA VA RAO, J