

THE HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.12930 of 2014

ORDER:

Heard learned counsel for the petitioner as well as learned Government Pleader appearing for the respondents 1 to 7.

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

“...to issue a Writ of Mandamus or any other appropriate Writ, Order or direction declaring the action of the 4th Respondent herein in entrusting investigation into Crime No.487/2013 of Begumpet PS, Hyderabad, to Cyberabad Crime Police Station, Detective Department, Hyderabad as arbitrary and illegal and consequently direct to handover investigation pertaining to Crime No.487/2013 of Begumpet PS (Crime No 51/2014 of Cyberabad Crime Police Station, Detective Department, Hyderabad (Crime No.487/2013 of Begumpet PS) to the CID of Police, AP, Hyderabad in terms of the letter issued by the 3rd Respondent herein in C.No.1052/C33/CID/2014, dated 28.1.2014 or alternatively pray the Honourable Court to entrust investigation to any independent police agency forthwith and pass such other or further orders as this Honourable Court may deem fit and proper in the circumstances of the case.”

3. The 5th respondent filed a counter-affidavit denying the averments made in the affidavit filed in support of the writ petition and contended *inter alia* that at the instance of the Managing Director of the petitioner company, the Additional Director General of Police, C.I.D., requested to hand over the case files, relating the crimes registered as mentioned in para 4 of the counter-affidavit, for investigation to the CID vide C.No.1052/C33/CID/2014, dated 03.02.2014. It is also mentioned that since the dispute relating to ownership of piece of land among three individuals and there is no involvement of public or state interest in these cases, the cases were transferred to CCS, Hyderabad, which is a specialized wing to carry

out sustained and unbiased investigation. When the investigation is in progress, the petitioner herein filed the present writ petition and obtained an interim order, dated 24.04.2014, at the admission stage, which is as follows:

“Notice.

However, pending further consideration, no investigation may be carried out by the Central Crime Station, Detective Department, Hyderabad City pursuant to the orders passed by the Commissioner of Police, Hyderabad City through his Memo No.L&O/M3/701/2014 Dated 13.02.2014.

However, it shall be open to the Commissioner of Police, Hyderabad city to reconsider the entire issue and pass appropriate orders pursuant to the communication bearing No.C.1052/C33/CID/2014, dated 28.01.2014 addressed to him by the Addl. Director General of Police, C.I.D., A.P., Hyderabad.”

4. Pursuant to the said interim orders of this Court, entire issue was reviewed. On review and after obtaining legal opinion, the Commissioner of Police, Hyderabad City, passed orders instructing the Central Crime Station, Detective Department, Hyderabad, to continue further investigation in the above cases vide office letter No.L&O/M3/500/2014, dated 14.07.2014. The action of the respondent police in transferring the case of the petitioner is in accordance with law and not as alleged by the petitioner. He also specifically stated that unless and until this Court vacates the interim order, dated 24.04.2014, the investigating agency cannot proceed with further course of action.

5. Having heard learned counsel for the petitioner as well as learned Government Pleader, particularly in the light of the counter-affidavit filed by the 5th respondent, this Court is of the opinion that the grievance of the petitioner is already redressed. Therefore, the interim order passed by this Court on 24.04.2014 is vacated and the Investigating Agency is directed to proceed with the investigation, as per law, and file a final report before the concerned Court.

6. With the above direction, the writ petition is disposed of. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

31st December 2019
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P. KESHA VA RAO, J

