

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 41743 of 2018

Date : 14.3.2019

Between:

Ali Bin Yahiya s/o Yahiya Bin Saleh aged about 50 years occ
Business r/o H No 9-10-68/A/240
Rasham Bagh Golconda Hyderabad

Petitioner

And

The State of Telangana
rep by its Principal Secretary Home Department Secretariat
Hyderabad & others

Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioner and learned Government Pleader for Home.

2. Petitioner is tenant of 5th respondent and running a jewellery shop under the name and style "Omer Jewellers". When 5th respondent tried to illegally evict him, he filed O S No. 1906 of 2018 on the file of XXII Junior Civil Judge, City Civil Court, Hyderabad wherein status quo order was passed on 10.9.2018 and the suit is pending. While so, on 12.10.2018 when petitioner came to his shop at about 11.30 a.m he noticed that locks put by him were broken and new locks were put in their place. On enquiries he came to know that 5th respondent along with his men opened the shop on the intervening night of 11/12-10.2018. When he approached 5th respondent he stated that there was nothing in the shop and came along with petitioner and opened the shop, to his surprise there was nothing in the shop. Petitioner alleges that when he closed the shop on 11.10.2018, there was 28 tolas of gold, 3 Kgs of silver ornaments and cash of .35,000/- apart from furniture and fixtures. Petitioner alleges that respondent police officials were reluctant to register the crime and on his persuasion with senior police officials, FIR 429 of 2018 dated 1.11.2018 was registered against 5th respondent under Sections 457 and 380 of IPC leaving the other offenders who accompanied 5th respondent. Petitioner alleges that except registration of crime no investigation is conducted in the matter as such he seeks to transfer the case to Central Crime Station or any other investigating agency. Hence the writ petition.

3. The Sub Inspector of Police, Golkonda Police Station furnished written instructions dated 19.11.2018.

4. Written instructions disclose that based on the complaint of petitioner, FIR was registered on 1.11.2018 and investigation is in process. He assures that investigation would be completed expeditiously. It is also stated that in the present case, theft of articles is worth Rs.10 lakhs only whereas crimes are handled by CCS where alleged theft amount is more than Rs.70 lakhs.

5. From the written instructions furnished by Sub Inspector of Police, it cannot be said that there was inordinate delay in taking up the investigation by police warranting interference by this Court. Further, as stated by the Sub Inspector of Police, as valuation of property stolen is about Rs. 10 lakhs, it cannot be ordered to be transferred to CCS. Writ Petition dismissed leaving open to petitioner to work out his remedies if he is not satisfied with the progress of investigation and the result of investigation. No costs. Miscellaneous petitions, if any pending, are closed.

DATE:14-3-2019
TVK

P NAVEEN RAO,J

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