

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.44847 OF 2018

Date: 14.03.2019

Between:

Mrs Syeda Batool Afshan w/o. Syed Qutubuddin,
Aged about 52 years, occu: Housewife,
R/o. United Arab Emirates (UAE), presently
Residing at R/o.H.No.19-2-421/2/B,
Moinpura, Fathe Darwaza, Hyderabad.

.....Petitioner

and

The State of Telangana, rep.by its Prl.Secretary,
Home Department, Secretariat, Saifabad,
Hyderabad and others.

.....Respondents



The Court made the following:

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ORDER:

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

2. Petitioner claims to be owner of house bearing No. 18-13-6/9/41/43 admeasuring 196 square yards at Hashmabad, Bandlaguda, Hyderabad having purchased the same vide registered document bearing No.1299 of 1998, Sub Registrar Office, Azampura. Petitioner states that as he resides in United Arab Emirates, his sister Smt Syeeda Aysha Tansneem and his son Mr Syeed Bin Sabeth Barabood are looking after his house property. He alleges that his sister took advantage of his long absence from Hyderabad, created false documents and transferred his property in favour of her daughter Smt Syeda Zainab through registered gift settlement deed bearing document no. 3436 of 2008 dated 12.6.2008. Petitioner alleges that on questioning by himself and his son, the family members of his sister and others have warned them with dire consequences. Petitioner further alleges that on 4.2.2017 Mr.Syeed Bin Sabeth Barabood, who is working in Qatar Army came to Hyderabad, has committed the murder of his son and on the next day gone to Qatar. Petitioner alleges that unaware of brutal killing of his son, he lodged a "Man Missing" complaint with Falaknuma police station on 05.02.2017 and the same is registered as FIR No. 28 of 2017; that on investigation the police found that Mr Syeed Bin Sabeth Barabood, Mr Saif Bin Sabeth Barabood and Smt Fatima have killed his son and they were shown as accused persons in the case diary. Petitioner alleges

that on 9.2.2017 he came to know about the murder of his son as such separate FIR ought to have been registered with the crime punishable under Section 302 IPC, but the Police refused to register the same.

3. Learned Assistant Government Pleader submitted that after conducting investigation, Police drafted charge sheet and is being filed in the Court. Photo copy of the charge sheet is placed before the Court.

4. Reading of the draft charge sheet would show that Police now allege that accused committed offence punishable under Sections 302, 201, 212 read with Section 34 of IPC and prays the learned Magistrate to take cognizance of the offence, try the accused and to punish them.

5. Thus, it cannot be said that Police were not conducting proper investigation. The grievance of the petitioner stood answered by respondent and, therefore, the writ petition is dismissed. If petitioner has any other grievance he may work out remedies as available in law. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

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