

THE HONOURABLE SRI JUSTICE P. KESHA VA RAO

WRIT PETITION No.34405 of 2014

ORDER:

Heard learned counsel for the petitioner as well as learned Government Pleader appearing for the respondents 1 to 3.

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

“...to issue a writ or order more particularly one in the nature of writ of mandamus declaring the action of the respondents 2 & 3 in not registering case against the respondents 4 to 7 in spite of petitioner complaint dated 31.12.014 and not initiating the criminal action against the respondents 4 to 7 for misappropriation of amount by the respondents 4 to 7 as illegal, arbitrary, unjust and consequential directions to the respondents 2 and 3 to register a criminal case against the respondents 4 to 7 for cheating and forgery by misappropriating the amount sent by the petitioner through EMO No.0133 dated 1.11.2013 in favour of Shabana Nazia to H.No.16-7-385, Azampura, Chaderghat, Hyderabad, and to pass such other order or orders as this Hon’ble Court may deems fit and proper in the circumstances of the case.”

3. Learned Government Pleader placed on record the written instructions issued by the Sub-Inspector of Police, Chaderghat Police Station, Hyderabad.

4. From a perusal of the said written instructions, it is revealed that pursuant to the complaint lodged by the petitioner, a case in Crime No.94 of 2014 for the offences under Sections 403 and 419 read with 34 IPC was registered on the file of the Chaderghat Police Station, Hyderabad, on 03.03.2014 and investigation was taken up. In the above said crime, respondent Nos.4, 5 and 7 herein are arraigned as accused. It is further mentioned in the said written instructions that during the course of investigation, the Investigating Officer examined the petitioner and also his wife and recorded their detailed statements.

The evidence adduced during the course of investigation, prima facie case was made out against accused No.1 i.e., respondent No.7 herein only. The offence against other accused persons i.e., A.2 and A.3 (respondent Nos.4 and 5 herein) was not established. Therefore, their names were deleted from the array of the accused. In fact, on 02.07.2014 accused No.1 i.e., respondent No.7 herein, himself came to respondent No.3 Police Station and surrendered before LW.5 and voluntarily admitted his guilty of offence. The Investigating Officer also summoned two mediators and recorded the confessional panchanama of accused person. After completion of investigation, a charge sheet was also filed before the learned VIII Additional Chief Metropolitan Magistrate, Hyderabad, and the same was taken on file vide C.C.No.699 of 2014.

5. Since a crime is already registered pursuant to the complaint lodged by the petitioner, this Court is of the opinion that no further cause would survive in the writ petition and the same is liable to be closed.

6. Accordingly, the writ petition is closed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

P. KESHA VA RAO, J

7th January 2020

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