

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

**THURSDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY**

PRESENT

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO. 24227 OF 2020

Between:

Habeeb Mohammed Al Aidroos, S/o. Habeeb Mujtaba Al Aidroos, Aged about 40 years,
Occ: Business, R/o.H.No.20-4-448, Inside Fateh Darwaza, Hyderabad, Telangana
State.

...PETITIONER

AND

1. The Station House Officer, Police Station Hussainialam, Hyderabad City, T.S.
2. The Asst. Commissioner of Police, Charminar Division, Hyderabad.
3. The Deputy Commissioner of Police, South Zone, Hyderabad.
4. The Commissioner of Police, Hyderabad City, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue, a Writ, Order or Orders more particularly one in the nature Writ of Mandamus declaring the action of the respondents particularly Respondent No.1 and 2 in not taking any action in pursuance of the FIR.No.312 of 2020, dated 01.11.2020 against unknown person / persons is as illegal, arbitrary, discriminatory and subversive of article 14, 21 of the constitution of India and consequently direct the respondents to take action in pursuance of the FIR.No.312 of 2020, dated 01.11.2020 by investigating into the matter, arresting the accused persons, recover the stolen property and submit final report before the court of law in the interest of justice.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to take cognizance in pursuance of the FIR.No.312 of 2020 dated 01.11.2020 pending on the file of the 1st respondent herein and submit final report before this Hon'ble Court.

Counsel for the Petitioner: SRI SYED MUSTAFA QUADRI

Counsel for the Respondents: AGP FOR HOME

The Court made the following: ORDER

HONOURABLE SRI JUSTICE P.NAVEEN RAO
WRIT PETITION NO.24227 of 2020

ORDER:

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

2. This writ petition is filed alleging that even though crime was registered on 01.11.2020 on the complaint lodged by the petitioner as Cr.No.312 of 2020 in Hussainialam Police Station, so far investigation is not taken up.

3. As held by the Hon'ble Supreme Court in **M.Subramaniam and another v. S.Janaki and another**¹, the jurisdictional Magistrate is competent to go into all aspects from the stage of receiving complaint till completion of investigation and filing of final report and an aggrieved person can always avail the remedies provided by the Code of Criminal Procedure ventilating his grievance against delay in investigation/improper investigation and the concerned jurisdictional Magistrate is in a better position to appreciate all aspects and to monitor the investigation, if so warranted.

4. Thus, granting liberty to the petitioner to avail the remedies provided by the Code of Criminal Procedure, this Writ Petition is dismissed. Pending miscellaneous petitions shall stand closed.

¹ 2020 SCC online S.C. 341

//TRUE COPY//

SD/-L.LAKSHMI BABU
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. One CC to Sri Syed Mustafa Quadri, Advocate [OPUC]
2. Two CCs to GP for Home, High Court for the State of Telangana at Hyderabad. [OUT]
3. Two CD Copies.

MP



HIGH COURT

DATED:31/12/2020

ORDER

WP.No.24227 of 2020



DISMISSING THE WRIT PETITION
WITHOUT COSTS

AJM 5
6/1/2021