

THE HONOURABLE SRI JUSTICE P. KESHA VA RAO

WRIT PETITION No.34730 of 2014

ORDER:

There is no representation on behalf of the petitioner.

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

“....to issue an Appropriate Writ Order to direction, more particularly one in the nature of Writ of Mandamus to declare the inaction of the 2nd respondent in conducting investigation and filling Charge sheet in Crime No.768/2013 on the file of S.H.O., Panjagutta P.S., Hyderabad for the offenses punishable U/s.415, 418, 420, 421 and 506 IPC, consequently apprehend the Accused for the custodial interrogation without any further delay and to pass such other order or orders as this Hon’ble Court may deems fit, just and proper in the circumstances of the case.”

3. Learned Government Pleader placed on record the written instructions issued by the 2nd respondent-Station House Officer, Panjagutta Police Station, Hyderabad.

4. From a perusal of the said written instructions, it is revealed that on the private complaint filed by the petitioner, which was forwarded to the 2nd respondent, a case in Crime No.768 of 2013 for the offences under Sections 415, 418, 420, 421 and 506 IPC was registered on 03.09.2013. It is further mentioned in the written instructions that during the course of investigation, the petitioner and other witnesses were examined and their detailed statements were recorded. However, *prima facie* case is not made out against the accused. The dispute between the petitioner and the accused is purely a money transaction and relating to civil in nature. After completion of investigation, permission was obtained from the Assistant Commissioner of Police, Panjagutta Division, Hyderabad, to refer the

complaint as 'civil in nature'. When the Investigating Agency tried to serve notice on the petitioner, he evaded to receive the same. Therefore, the Investigating Agency sent notice through post on 08.12.2014. Accordingly, filed the final report before the learned XIV Additional Chief Metropolitan Magistrate, Hyderabad, vide SR.No.5165, dated 09.12.2014, referring the case as 'civil in nature'.

5. In that view of the matter, this Court is of the opinion that no further cause would survive in the writ petition and the same is liable to be dismissed.

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

Miscellaneous petitions pending, if any, shall stand dismissed.

7th January 2020
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P. KESHAVA RAO, J