

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

W.P.No.31785 of 2022

ORDER

This writ petition is filed with the following prayer;

“to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action on the part of respondent No.3 in completing the investigation in Cr.No.74 of 2021 dated 09-04-2021 registered for the offences under Sections 379, 420, 463 IPC as if the allegations are false without giving the petitioner an opportunity as arbitrary, illegal, abdication of the statutory duty cast on him and violative of the fundamental rights guaranteed to the petitioner under Articles 14,19 and 21 of the Constitution of India and consequently direct the respondent No.3 to reopen the investigation in Cr.No.74 of 2021 dated 09-04-2021 and file charge sheet”.

2. Learned counsel for the petitioner Mr. Sanjeev Gillella submits that a case in Cr.No.74 of 2021 on the file of Siddipet II Town Police Station, Siddipet District, was registered on 09-04-2021 for the offences under Sections 379, 420, 463 IPC against the accused, but the respondent-police have failed to conduct the proper investigation and no opportunity was given to the petitioner and they have closed the investigation. He submits that the petitioner sought a consequential direction to reopen the case in Cr.No.74 of 2021 and also to file the charge sheet.

3. Learned Assistant Government Pleader for Home Mr. A. Manoj Kumar, on instructions, submits that after registering the complaint, during the course of investigation, the Investigating Officer has

recorded the statement of L.W.1, and the accused has voluntarily surrendered before the Investigating Officer and later, the investigation revealed that the complaint was given by the petitioner with an intention to harass the alleged accused and the evidence produced do not make out any case, as such after completion of investigation, the respondent police have obtained permission from the Assistant Commissioner of Police, Siddipet Sub-Division, to refer the case as 'false' vide proceedings dated 29-01-2022 and a final report has been filed before the Court of Judicial First Class Magistrate, Siddipet, on 31-01-2022.

4. Recording the submission of the learned Assistant Government Pleader for Home that the police have already filed a final report before the concerned Magistrate and the remedy available to the petitioner is to question the said final report, the Writ Petition is disposed of giving liberty to the petitioner to avail the appropriate remedy available under law. No order as to costs.

5. Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

17th August, 2022.

sj

SMT LALITHA KANNEGANTI, J