

THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

WRIT PETITION No.27209 of 2022

ORDER:-

This Writ Petition for mandamus is filed to direct the respondents 2 and 3 – police officials to conduct proper investigation in Crime No.88 of 2022 of II Town Police Station, Vizianagaram, and to file charge sheet in the above crime.

As there was no representation on behalf of the petitioners on 26.08.2022 when the matter was listed before this Court, the matter is posted to this day under the caption 'for orders'. Today also, there is no representation on behalf of the petitioners. Therefore, heard learned Assistant Government Pleader for Home.

It appears that the 2nd petitioner is the *de facto* complainant in Crime No.88 of 2022 of II Town Police Station, Vizianagaram. On the report lodged by her with the police, the above crime was registered for the offences punishable under Sections 427, 380, 448 and 506 IPC. The grievance of the writ petitioners is that the police are not conducting proper investigation in the said case and that they did not file charge sheet in a crime that was registered long back.

Learned Assistant Government Pleader for Home, on written instructions, would submit that the investigation in the above crime was completed and the case was referred as "lack of evidence" and final report was also filed in the concerned Court after obtaining permission to that effect from the Superior Officer of the Investigating Officer. It is also stated that notice of referring the case as lack of evidence was also served on the 2nd petitioner.

Learned Assistant Government Pleader for Home has also placed on record the written instructions received by him to that effect from the Sub-Inspector of Police, II Town Police Station, Vizianagaram, along with the notice of referring the case served on the 2nd petitioner and other documents.

Therefore, it cannot be said that there is any inaction on the part of the Investigating Officer in completing the investigation in the above crime and filing the final report.

Resultantly, recording the aforesaid submission made by learned Assistant Government Pleader for Home on written instructions, the Writ Petition is closed. However, if the 2nd petitioner feels aggrieved by the final report filed by the Investigating Officer in the Court, she is at liberty to file a protest petition before the learned Magistrate and pursue her legal remedy. No costs.

Miscellaneous petitions, if any pending, in the Writ Petition, shall stand closed.

JUSTICE CHEEKATI MANAVENDRANATH ROY

Date: 30.08.2022
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