

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

TUESDAY, THE THIRTY FIRST DAY OF OCTOBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 22911 OF 2023

Between:

Cheela Shravani, D/o: Cheela Maruthi, aged about 34 years, Occ. Business
R/o H.No.1-5-443, Ramreddy Road, Kamareddy Town and District

...PETITIONER

AND

1. State of Telangana, Rep. by its Principal Secretary, Home Department, Secretariat, Hyderabad.
2. The Director General of Police, Government of Telangana, Hyderabad.
3. The Superintendent of Police, Kamareddy, Kamareddy District.
4. The Sub-Divisional Police Officer, Kamareddy, Kamareddy District.
5. The Station House Officer, Police Station, Devanpally, Kamareddy District.
6. Sarla Raju, S/o Anjaiah, aged 48 years, Occ. Business, R/o Komervelli village and Mandal, Siddipet District

...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 any appropriate Writ, Order or direction more in the nature of Writ of Mandamus. (a) To direct the Respondents 2 to 5 to cause an unbiased investigation in FIR No. 254 of 2023 dated 20-07-2023 which was registered against the Respondent No.6 herein for the offence(s) under Section 379 IPC, 156(3) Cr.P.C. by duly declaring the inaction on the part of the Respondent No.5 in causing investigation FIR No. 254 of 2023 dated 20-07-2023 which was registered against the Respondent No.6 herein for the offence of theft of Bus of the Petitioner bearing Registration No. TS-17-T-2556 from Industrial Area, Near Balaji Plastic Industry, Kamareddy Town and District committed by him is nothing

but arbitrary, illegal and contrary to the provisions of Cr.P.C apart from well settled principles of law; and (2) To direct the Respondents 3 and 4 to monitor the investigation done by the Respondent No.5 in the above case.

IA NO: 1 OF 2023

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 Respondent No.5 to cause an unbiased investigation in FIR No. 254 of 2023 dated 20-07-2023 which was registered against the Respondent No.6 herein for the offence(s) under Section 379 IPC, 156(3) Cr.P.C. with consequential direction to the Respondents 3 and 4 to monitor the investigation done by the Respondent No.5 in the above-mentioned case.

Counsel for the Petitioner: SRI V. ROHITH

Counsel for the Respondent No.1 to 5: GP FOR HOME

Counsel for the Respondent No.6: ----

The Court made the following: ORDER

HON'BLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION No.22911 of 2023

ORDER:

This writ petition is filed seeking the following relief:

“.....to issue any appropriate Writ, Order or direction more in the nature of Writ of Mandamus (a) to direct the Respondents 2 to 5 to cause an unbiased investigation in FIR No.254 of 2023 dated 20.07.2023 which was registered against the Respondent No.6 herein for the offences under Section 379 IPC, 156(3) Cr.P.C. by duly declaring the inaction on the part of the Respondent No.5 in causing investigation FIR No.254 of 2023 dated 20.07.2023 which was registered against the Respondent No.6 herein for the offence of theft of Bus of the Petitioner bearing Registration No.TS-17-T-2556 from Industrial Area, Near Balaji Plastic Industry, Kamareddy Town and District, committed by him is nothing but arbitrary, illegal and contrary to the provisions of Cr.P.C. apart from well settled principles of law; and (b) to direct the Respondents 3 and 4 to monitor the investigation done by the Respondent No.5 in the above case and pass such other relief....”

2. The petitioner is the registered owner of the Bus bearing No.TS-17-T-2556. It is the case of the petitioner that she has entered into a Hire Agreement with TSRTC for plying the bus in the routes specified in the agreement. It is the further case of the petitioner that on 21.04.2023, when the said bus was parked at Industrial Area, Kamareddy Town, it went missing. It is the further case of the petitioner that when respondent No.5 refused to receive her complaint, she has filed a private complaint under Section 200 Cr.P.C. i.e., Crl.M.P.No.293 of 2023 on the file of Additional Judicial Magistrate of First Class

(Special Mobile), Kamareddy and the learned Magistrate has referred the said complaint to the police under Section 156(3) Cr.P.C. It is the further case of the petitioner that even after referring the complaint by the learned Magistrate, respondent No.5 has not registered the complaint which constrained her to approach this Court by filing Criminal Petition No.6622 of 2023 under Section 482 Cr.P.C. on 19.07.2023 seeking a direction to respondent No.5 to register a case basing on the complaint referred by the learned Magistrate under Section 156(3) of Cr.P.C. Having come to know about the filing of Criminal Petition before this Court, respondent No.5 had registered a case in Crime No.254 of 2023, dated 20.07.2023, for the offence punishable under Section 379 IPC.

3. The grievance of the petitioner is that even after registering the crime, the respondents-police are not conducting any investigation and seizing the said bus which is in the illegal custody of respondent No.6.

4. Learned Assistant Government Pleader for Home appearing for respondent Nos.1 to 5 has submitted that after concluding investigation, the respondents-police have seized the bus bearing No.TS-17-T-2556 from the custody of respondent No.6 and produced the same before the concerned Magistrate.

Learned Assistant Government Pleader further submitted that the respondents-police have concluded investigation and laid charge sheet before the concerned Magistrate and the same is numbered as C.C.No.492 of 2023 which is pending trial.

5. Learned counsel for the petitioner has submitted that in view of the respondents-police seizing the said bus and producing the same before the concerned Magistrate, the petitioner has filed an application under Section 451 read with 457 Cr.P.C. seeking interim custody of the said bus and after considering the material on record, the learned Magistrate has granted interim custody of the said bus in favour of the petitioner.

6. Recording the submissions made by the learned counsel for the petitioner, as the cause in the writ petition no longer survives for further adjudication, this writ petition is closed as no further orders are required to be passed. No costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

SD/-B. SARASWATHI
ASSISTANT REGISTRAR
SECTION OFFICER

To,

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

T J
GJP

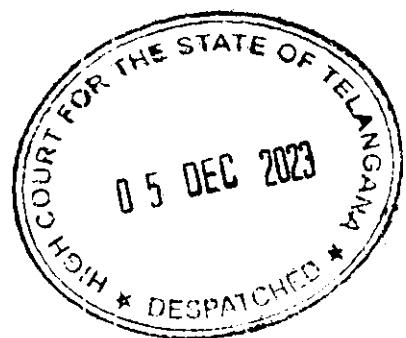
V.R

HIGH COURT

DATED:31/10/2023

ORDER

WP.No.22911 of 2023



**CLOSING THE WRIT PETITION
WITHOUT COSTS.**

⑥ 25/11/23