

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

WRIT PETITION No.27455 of 2011

Between:

P. Yadagiri Rao

... Petitioner

And

The Govt., of A.P., rep., by its Principal Secretary,
Home Department, Hyderabad & others.

... Respondents

DATE OF JUDGMENT PRONOUNCED: **28.07.2015**

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE SANJAY KUMAR

1. Whether reporters of local newspapers Yes/No
may be allowed to see the judgments?
2. Whether the copies of judgment may be Yes/No
marked to Law Reporters/Journals?
3. Whether Their Ladyship/Lordship wish to Yes/No
see the fair copy of the judgment?

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 27455 of 2011

ORDER:

The grievance of the petitioner was that the police authorities, arrayed as respondent Nos.2 to 4 in the writ petition, failed to take action against respondent Nos.5 to 9, police officers impleaded by name, in relation to their involvement in the demand and acceptance of a bribe of Rs.3 lakhs from the petitioner in connection with his rowdy sheet and for diluting the case against him in Crime No.189 of 2010 on the file of Nacharam Police Station.

The Inspector of Police, A.C.B., City Range-1, Hyderabad, filed a counter affidavit stating that the petitioner made a complaint that he was implicated falsely in Crime No.189 of 2010 registered under Sections 419, 420, 484 and 506 IPC on the file of Nacharam Police Station and that one Sri S.V. Harikrishna, Inspector of Police, Nacharam Police Station, the 4th respondent, demanded a bribe of Rs.3 lakhs for certain favours. According to the complaint, this amount was to be distributed amongst the other police officers who are now shown as respondent Nos.5 to 9 in this writ petition. The complaint of the petitioner was taken on file and Crime No.18/ACB-CR.1/2010 was registered under Section 7 of the Prevention of Corruption Act, 1988. The Inspector of Police further stated that the crime was registered only against S.V. Harikrishna and not against the officials of the Special Operation Team as the petitioner had not disclosed that the said officials directly demanded any illegal gratification from him. As there was no direct evidence against the officials of the Special Operation Team, they were not shown as the accused in the crime registered against S.V. Harikrishna. Pertinent to note, respondent Nos.5 to 9 herein are the said officials of the Special Operation Team.

Sri V. Ravi Kiran Rao, learned Standing counsel for the ACB, informed this Court that the Government of Andhra Pradesh ordered dropping of further action against S.V. Harikrishna, Inspector of Police, on the allegation of corruption under G.O.Ms.No.1024, Home (SC.A) Department, dated 07.06.2012 and a final report under Section 173 Cr.P.C. was filed by the police before the learned Principal Special Judge for SPE and ACB Cases, Hyderabad, on 23.08.2012 asking for closure of Cr.No.18/ACB-CR-1/2010, duly referring to the fact that the Government had decided to drop further action against S.V.Harikrishna. Thereupon, by order dated 05.01.2013, the learned Principal Special Judge for SPE and ACB, Hyderabad, closed the case.

In the light of the afore-stated developments, it is clear that the petitioner's grievance as regards the alleged failure on the part of the police authorities in not taking steps against respondent Nos.5 to 9 for their purported involvement in the demand and acceptance of a bribe from the petitioner is not borne out on facts. The police authorities found S.V. Harikrishna, Inspector of Police, Nacharam Police Station, to be the only officer involved and named him as the accused in Cr.No.18/ACB-CR-1/2010, but initiation of proceedings against him came to naught in the light of the order passed by the Government of Andhra Pradesh. Thereupon, a final report was filed by the police authorities before the competent criminal Court and the case was closed. It was for the petitioner to take appropriate measures in accordance with law if he was aggrieved with any of the afore-stated developments. Having failed to do so, it is not open to him to complain in this writ petition as to the alleged inaction on the part of the police authorities in proceeding against respondent Nos.5 to 9.

The writ petition is devoid of merit and is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

Date: 28.07.2015

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