

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

TUESDAY THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 31512 OF 2015

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Between:

Bhukya Kalavathi ... Petitioner

Vs.

The State of Telangana,
Rep.by its Prl.Secretary,
Home Department, Secretariat,
Hyderabad & Ors. ... Respondents

Counsel for the Petitioner: Sri Rajesh Reddy

Counsel for the Respondents: GP for Home [AP]

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SETHA SAI

WRIT PETITION NO. 31512 OF 2015

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ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief :

- a. *“To declare the inaction of respondents 2 to 4 in not completing investigation by arresting the accused persons and not filing final report/charge sheet in Cr.No. 103 dated 25/3/2015 on the file of PS II-Town Khammam, Khammam district as illegal and unconstitutional;*
- b. *Consequently to direct the respondents 2 to 4 to take necessary action against all the accused by arresting them and complete the investigation and file final report/charge sheet in Cr.No. 103/2015 dated 25/3/2015 on the file*

of II-Town Police Station, Khammam, Khammam district and

- c. *To pass such other suitable orders as this court may deem fit and proper in the circumstances of the case.*

2. Heard Sri Rajesh Reddy, learned counsel for the petitioner and the learned Government Pleader for Home for the respondents.

3. When the matter is called, written instructions dated 01/10/2015 furnished by the Sub-Inspector of Police, Khanapuram Haveli, Khammam district have been placed on record by the learned Government Pleader for Home for the respondents.

3. The written instructions, reads as under:

"It is submitted that on 16/3/2015 at 1300 hours the complainant Bhukya Kalavathi writ petitioner herein lodged a complaint with PS Khanapuram Haveli stating that her husband Dr.B.Ramji is running super speciality hospital in the name and style of Sri Harshini Nursing Home at Khammam. He was expired on 14/10/2014 due to mental agony in the month of May, 2013 1) Surampalli Rama Rao, 2) Kanddula Pullaiah and 3) Banoth Saidulu have approached her husband and suggested that her husband will get MLA ticket from Congress-I Party from Wyra constituency and asked her husband to meet Smt. Renuka Chowdary, who will give the said ticket. On 30/5/2015 the said three persons took her husband to NSP Guest House, Khammam, where her husband met Smt. Renuka Chowdary. Thereafter they collected Rs.10 lakhs from her husband in order to secure MLA ticket. Thereafter, they also paid Rs.60 lakhs to Smt. Renuka Chowdary. They along with others also taken some more amount from her husband. In the subsequent developments her husband did not get Wyra ticket. She along with her husband met the accused persons on 13/8/2014 for return of money. Instead of returning money, they abused her and her husband in filthy language besides touching their case and also threatened them with dire consequences. The complainant stated that all the persons have cheated her husband, her husband got mental agony and ultimately died on 14/10/2014. She requested the police to take necessary action against all the accused. The said complaint was

registered as FIR.No. 127/2015 under section 420, 506 IPC and section 3 (i) (x) of SC/ST [POA] Act, 1989 and the SDPO Khammam took up investigation vide proceedings of the Superintendent of Police, Khammam vide Memo.in.C.No.39/SC/ST/Pro/2015 dated 16/3/2015.

It is submitted that during the course of investigation, the SDPO visited the scene of offence drafted crime detail form and rough sketch of the scene in the presence of mediators. He tried to secure the presence of the complainant but she was not present in Khammam and said to be went to Hyderabad. On 18/3/2015 the complainant and her father were examined and recorded their statements in detail.; The complainant was asked to produce the witnesses as stated in the FIR. She assured that she will produce the witnesses as early as possible. On 25/3/2015 examined two witnesses namely, Bhukya Kishore and Jatoth Lachiram and recorded their statements. On 5/7/2015 a letter was addressed to the Superintendent of Police, Khammam with regard to the details of CDRs and tower locations of several persons. A letter was also addressed to the Collector, Khammam seeking information whether Smt. Renuka Chowdary stayed in the Officers [NSP] Guest House, Khammam on 30/5/2013 and 01/12/2013 for the purpose of investigation.

It is submitted that the call details and tower locations of the complainant, her late husband and her father who are said to be visited the house of Smt.Renuka Chowdary at Hyderabad where they were abused in filthy language were received. The call details shows that the complainant her husband and her father never visited Hyderabad on the alleged day of offence i.e., 13/8/2014 and they were very much present in Khammam town. The allegation that A-1 Smt.Renuka Chowdary and others abused the complainant and her husband at Hyderabad is not correct and it is baseless.

It is submitted that as the investigation discloses that the allegations made in the complaint submitted by the complainant/writ petitioner are not established, on 09/9/2015 proposals were submitted to the Dy. Inspector General of Police, Warangal Range, Warangal through the Superintendent of Police, Khammam to accord permission to refer the case as 'false' and orders are awaited.

It is submitted that after receiving the permission from the D.I.G. we will file final report as 'false' under notice to the petitioner.

In view of the above facts, it is submitted that the allegations made by the petitioner against the respondent police have not taken any action on her complaint vide Cr.No.127/2015 are false, baseless and denied. There is no iota of truth in the allegations made against

the respondent police. There are no merits in the writ petition and is liable to be dismissed."

4. On noticing the same, the learned counsel for the petitioner has requested this court to dispose of the writ petition by recording the said written instructions.

5. In view of the above, the writ petition is disposed of by recording the above written instructions furnished by the Sub-Inspector of Police, Khanapuram Haveli, Khammam district. No costs.

6. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE A.V.SESHA SAI

06/10/2015

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HONOURABLE SRI JUSTICE A.V. SESHA SAI

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