

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.25117 of 2015

ORDER:

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

“to issue writ of Mandamus to declare the action of the respondents 4 to 6 in not conducting free and fair investigation in FIR No.72/2015 on the file of the Station House Officer, Madhapur Police Station, Cyberabad, Hyderabad as illegal, contrary to law and direct the respondents 1 and 2 to entrust the investigation in FIR No.72/2015 on the file of the Station House Officer, Madhapur Police Station, Cyberabad, Hyderabad either CID or CCS, Hyderabad or any other independent investigating agency.”

Heard Sri K. Chidambaram, learned counsel for the petitioner and learned Government Pleaders for Home for respondents, apart from perusing the material available before this Court.

Basing on a complaint lodged by one Mr.D. Shetti Vishnu, the Station House Officer, Madhapur Police Station, Cyberabad – 6th respondent herein registered a crime vide F.I.R.No.72 of 2015 on 06-02-2015 under the provisions of Section 174 of Cr.P.C.

The grievance precisely in the present writ petition is inaction on the part of the respondent – police authorities in completing the investigation.

The son of the petitioner herein one Mr.Y. Sumith Rama Rao, student in Bi.P.C. group in Narayana Junior College, Nagarjuna Nagar, Madhapur, Hyderabad died in suspicious circumstances. In connection with the said incident police registered the above said crime. It is submitted by the learned

counsel for the petitioner herein that even though there is a statutory duty cast upon the respondent – police authorities to investigate into the death of the son of the petitioner herein, the respondent – police authorities are not discharging their statutory obligations as per the provisions of Cr.P.C.

A counter-affidavit deposed by the Station House Officer, Madhapur Police Station, Cyberabad is filed on behalf of the respondents 1 to 6. In the said counter-affidavit it is stated that on the complaint given by one Mr.D. Shetty Vishnu, S/o.Mallesham, Warden of Nagarjuna Campus, Narayana College, Madhapur, Hyderabad, the police registered the present crime and during the course of investigation the Investigating Officer examined the complainant and recorded his detailed statement and the Investigating Officer visited the Sunshine Hospital, Madhapur and found the deceased Y. Sumith Rama Rao and enquired with the Doctors and collected the death summary and visited the scene of offence of Narayana Medical College and minutely inspected the scene and secured the presence of two mediators and also examined the roommates of the deceased and recorded their detailed statements. It is further stated in the said counter-affidavit that the Investigating Officer visited the scene of offence i.e., Nagarjuna Campus, Narayana Medical College, Madhapur and caused discreet and detailed enquiry with roommates, classmates and management of college about the death of the deceased. But nobody disclosed actual reason of his death and subsequently collected copy of the student academic performance report from the college management.

It is further stated in the said counter-affidavit that a requisition was filed before the Medical Officer with a request to

conduct autopsy and the Medical Officer/Asst. Professor, Department of Forensic Medicine, Osmania Medical College, Hyderabad conducted post mortem examination and after the same body was handed over to the kith and kin under acknowledgment. It is also stated in the said counter-affidavit that the Medical Officer who conducted autopsy over the dead body opined the cause of death as 'hanging'. It is also stated in the counter-affidavit that the investigation is going on in all angles and investigation is still pending for want of examination of some more witnesses and for collection of evidence and that the F.S.L. report from the authorities was also received on 05-06-2015 and that fair and impartial investigation is going on. It is also stated that if any further clues come out about the involvement of any person certainly action will be taken against the concerned by altering section of law also. The said counter-affidavit further denies the allegation with regard to slow progress of investigation and also denies inaction on the part of the police.

Admittedly, it is a case of death of a minor boy of 16 years old, on whom the parents would have lot of dreams and hopes for his bright career. Therefore, in case of this nature investigation needs to be conducted in a highly expeditious manner. Therefore, this Court is of the opinion that the ends of justice would be met if a direction is issued to the respondent – police authorities to expedite the investigation and to file final report in the concerned Court, as expeditiously as possible.

For the aforesaid reasons, the writ petition is disposed of, directing the respondent – police authorities to complete the investigation in expeditious manner and file final report in the concerned Court.

