

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

WRIT PETITION No.22006 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 inaction on the part of the 3rd respondent in not completing the investigation and take action against 4th respondent and his family members as illegal, arbitrary, without jurisdiction, unjust, null and void; and consequently direct the Police officials to complete the investigation on the basis of Petitioner's complaint registered as FIR No.32 of 2015 on the file of the 3rd Respondent.”

Heard Sri B. Papa Rao, learned counsel for the petitioner and learned Government Pleader for Home for respondents, apart from perusing the material available before this Court.

Today, when the matter is called, written instructions, dated 21-07-2015 furnished by the Sub-Inspector of Police, Mothkur Town Police Station, Nalgonda District have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“It is respectfully submitted that as per the records, the facts of the case are as follows:-

The petitioner herein had approached the police of Mothkur Police Station, Nalgonda District and lodged a complaint on 23.3.2015 against one Mr. Golusula Yadagiri and others, residents of Kondampet, h/o. Azeempet village of Mothkur Mandal, Nalgonda District as they threatened him with dire consequences and abused him by touching his caste in a public view. On the said complaint, a case in Cr.No.32/2015 U/sec.506 r/w 34 IPC and Secs.3 (i) (x) of SC/ST (POA) Act, 1989 was registered on the file of Mothkur Police Station, Nalgonda District on 23.3.2015 and as per the instructions of the Superintendent of Police, Nalgonda District, the Sub Divisional Police Officer, Bhongir has taken up the investigation.

The 4th respondent herein and others are shown as accused A1 to A8 in the FIR.

During the course of investigation, the investigation officer examined the complainant-petitioner and other witnesses and recorded their detailed statements.

As per the statements of the witnesses, prima facie case is clearly made out against all the accused A1 to A8 including the 4th respondent herein that they have committed the offences mentioned in the FIR beyond all reasonable doubt. Legal opinion was also obtained.

The investigation is completed. Draft charge sheet was prepared. The same was submitted to the Superintendent of Police, Nalgonda District for his kind perusal and also to accord permission to the investigating agency to file charge sheet against the accused A1 to A8 in the FIR.

I humbly submit that as soon as permission is obtained from the Superintendent of Police, Nalgonda District, appropriate charge sheet U/sec.173 Cr.P.C will be filed against the accused A1 to A8 before the concerned Hon'ble Court.

I pray this Hon'ble Court to grant a short time to the investigating agency to file charge sheet against the accused A1 to A8 before the concerned Hon'ble Court."

On noticing the above said instructions, learned counsel for the petitioner has requested this Court to record the said instructions and dispose of the writ petition.

In view of the above, the writ petition stands disposed of, by recording the written instructions, dated 21-07-2015 furnished by the Sub-Inspector of Police, Mothkur Town Police Station, Nalgonda District.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. There shall be no order as to costs.

A.V. SESA SAI, J

August 17, 2015

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