

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.198 of 2012

ORDER:

The prayer of the petitioner in this case was that the investigation in Crime No.123 of 2011 on the file of Jakranpalli Police Station, Nizamabad, should be handed over to an independent agency like CBCID for carrying out a proper investigation. It was the complaint of the petitioner that the Nizamabad police authorities were not investigating the said crime properly.

Crime No.123 of 2011 was initially registered in relation to the petitioner's husband as 'Man-Missing'. Thereafter, it appears that his dead body was found and the case was re-registered as a case of 'Suspicious Death' under Section 174 Cr.P.C.

By order dated 05.10.2012, this Court directed the Superintendent of Police, Nizamabad, to supervise the investigation in the case. Report dated 05.11.2012 was filed by the Circle Inspector of Police, Dichpalli, Nizamabad District, advertng to the case and more specifically, the following facts:

The skeleton of the petitioner's husband was found at Torlikonda Village on 12.02.2012 and the petitioner duly identified the same with the aid of clothing. The section of law was thereupon altered from 'Man- Missing' to a case of 'Suspicious Death' under Section 174 Cr.P.C. The Medical Officers who conducted a spot autopsy opined that the cause of death was strangulation and on the strength of this evidence, the section of law was altered from Section 174 Cr.P.C. to Section 302 I.P.C. A requisition was accordingly filed before the learned Judicial First Class Magistrate, Armour. The superimposition report dated 17.09.2012 received from the Forensic Science Laboratory, Hyderabad, supported the view that the skull found at Torlikonda could have belonged to the petitioner's husband

as per the photographs produced. The investigation was stated to be going on under the supervision of the Superintendent of Police, Nizamabad District, and it was stated that it would require some more months' time for the same to be completed. The Circle Inspector of Police further stated that after due investigation, an appropriate report under Section 173 Cr.P.C. would be filed before the competent Court.

Sri V.Ravi Kiran Rao, learned counsel for the petitioner, informed this Court that a final report under Section 173 Cr.P.C. was filed on 31.07.2014 before the learned Judicial First Class Magistrate at Armour, stating to the effect that despite systematic efforts made from all angles to trace out the assailants and the motive behind the murder of the petitioner's husband, all efforts went in vain. The case was accordingly referred as 'UN due to lack of clues/evidence' subject to its being reopened as and when clues come forth.

In the light of the aforestated developments, if the petitioner is aggrieved by the final conclusion arrived at by the police authorities, it is for her to seek recourse to appropriate measures in accordance with law. In the event a protest petition is filed by the petitioner before the criminal Court, the same shall be dealt with on its own merits and in accordance with law.

Reserving liberty to the petitioner to do so, the writ petition is closed.

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

SANJAY KUMAR, J

Date:03.09.2015

GJ