

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

WEDNESDAY THE TWENTYEIGHTH DAY OF OCTOBER
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 32970 OF 2015

Between:

Desaboyina Sambasiva Rao ... Petitioner

Vs.

The State of Andhra Pradesh
Represented by its Prl.Secretary,
Home Department,
Secretariat, Hyderabad & Ors. ... Respondents

Counsel for the Petitioner: Sri Deepak Misra

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. 32970 OF 2015

ORDER:

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

“To declare the action of the respondents 2 and 3 in not registering the complaint dated 06/06/2015 made by the petitioner against the culprits who are accused in the complaint as illegal, arbitrary, and against the principles of natural justice and consequently to direct the respondents 2 and 3 to register the complaint and take necessary action on the complaint of the petitioner and to pass such other suitable orders as this court may deems fit and proper in the circumstances of the case.”

2. Heard Sri Deepak Misra, learned counsel for the petitioner and the learned Government Pleader for Home for the respondents.

3. When the matter is called, written instructions dated 12/10/2015 furnished by the Sub-Inspector of Police, Kollipara Police Station, have been placed by the learned Government Pleader for Home for the respondents.

3. The written instructions, reads as under:

“It is respectfully submitted that one Desaboyina Sambasiva Rao, the petitioner herein stated that he lodged complaint with the respondent police on 06/6/2015 stating that one Nageswara Rao and seven others on 05/6/2015 when he came to his house they forcibly entered their house and caused damage to their house hold articles and also abused them in filthy language and also attacked his grand mother. Hence,

he immediately took his grand mother to Govt.Hospital and the hospital authorities have given police intimation.

It is further submitted that the above said Desaboina Tirupathamma filed one writ petition vide WP.No. 16332 of 2015 before this Hon'ble High Court with same contents. For which, the SHO submitted the instructions stating that on 10/6/2015, the respondent police received hospital statement through Tapal, after receiving the same a case was registered in Cr.No.51/2015 under section 323, 509, 506 read with 34 IPC of Kollipara Police Station Guntur Rural district, the investigation officer took up the investigation. During the investigation some witnesses were examined and some more witnesses have to be examined, after receiving wound certificate the respondent police will take steps to file final report before the competent court. Again the grandson of the petitioner filed this writ petition.

It is further submitted that the respondent police did not receive any complaint on the above said date i.e. 6/6/2015 even the material paper also is not bearing any signature or stamp of police station and thus the allegations are denied. Hence, the allegations made against the respondent police by the petitioner are false and baseless. As and when the petitioner approaches the police station along with complaint, the respondent police will take steps to register the case as per law.”

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, Kollipara Police Station, Guntur Rural district.

No costs.

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

JUSTICE A.V.SESHA SAI

28/10/2015

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HONOURABLE SRI JUSTICE A.V. SETHA SAI

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