

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

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF APRIL

TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.9282 of 2015

BETWEEN

M. Gopi Krishna.

... PETITIONER

AND

The State of Andhra Pradesh, Rep. by its Principal Secretary, Home Department, Secretariat, Hyderabad and others.

...RESPONDENTS

The Court made the following:

ORDER:

On the complaint of petitioner a case in Cr.No.25 of 2015 was registered on the file of respondent No.3. However, the grievance of the petitioner is that the said crime is not being investigated properly by the Circle Inspector and the Station House Officer, whom the petitioner has implicated them in their personal capacity.

2. Learned Government Pleader for Home has obtained instructions, which state that the said Cr.No.25 of 2015 was registered on 04.02.2015 against one Krishnas Rao and his family members and investigated by the Station House Officer and all the accused are stated to have been arrested on 08.02.2015 and sent to judicial remand before the learned

Magistrate. It is also stated that the said Krishmas Rao, one of the accused, who was head constable in respondent No.3 police station, was suspended from service.

It is stated that the post mortem certificate was received on 18.02.2015 and the viscera from the dead body is stated to have been sent to Regional Forensic Science Laboratory and the final opinion is awaited and that thereafter, appropriate report will be submitted.

3. The instructions further state that one Damuluri Chaitanya filed a private complaint against the petitioner and others regarding some property and after receiving the orders of the court, respondent No.3 has registered a case in Cr.No.241 of 2014 on 09.12.2014 against the petitioner and others. It is stated that investigation in the said crime is taken up and in that connection the petitioner was called to the police station for the purpose of investigation. However, the allegation of the petitioner that he was harassed etc. and pressurised to withdraw Cr.No.25 of 2015 is denied. Instructions also state that both the crimes are under investigation with respondent No.3 and the Station House Officer and his sub ordinates are in the process of investigation. However, on the complaint of the petitioner regarding investigation, the Superintendent of Police, Krishna is stated to have enquired into the matter through the Deputy Superintendent of Police, Nuzvid and was satisfied that the Circle Inspector and the Sub-Inspector of respondent No.3 police station have discharged legitimate duties by conducting investigation on proper lines.

4. In view of that, therefore, allegation of the petitioner that the investigation is not properly conducted and that there is pressure from respondent Nos.4 and 5 is clearly unsubstantiated. However, since the Superintendent of Police has given the aforesaid instructions to the Government Pleader and since the Superintendent of Police himself is satisfied that the investigation is being carried out in a legitimate manner, at this stage, the request of the petitioner for transfer of investigation to some other investigating officer is not justified.

The writ petition is, therefore, disposed of directing respondent Nos.4 and 5 to complete the investigation expeditiously and file an appropriate report before the jurisdictional Court. As a sequel,

the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

April 16, 2015

LMV