

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

WEDNESDAY THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 28347 OF 2015

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Between:

Gundlapally Shashirekha ... Petitioner

Vs.

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

Counsel for the Petitioner: Sri V.Venkateswarlu

Counsel for the Respondents: GP for Home [TG]

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 28347 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 third respondent in not investigating the case and filing final report in FIR.No. 387 of 2015 is bad, arbitrary, illegal and consequently to direct the respondents to conduct the proper investigation and file the final report before the concerned court and to pass such other suitable order as this court may deems fit and proper in the circumstances of the case.”

2. Heard Sri V.Venkateswasrlu, learned counsel for the petitioner and the learned Government Pleader for Home for the respondents.

3. When the matter is called, written instructions dated 21/9/2015 furnished by the Sub-Inspector of Police, Kushaiguda 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 as per the records, the facts of the case are as follows:

On a complaint lodged by the petitioner herein with the police of Kushaiguda Police Station, Cyberabad, a case in Cr.No. 387/2015 under section 498-A IPC and section 3 and 4 of Dowry Prohibition Act was registered on 26/5/2015 against Gundlapally Sai Kumar and others , as they subjected the petitioner mentally and physically harassed her and demanded her to bring

additional dowry and taken up the investigation.

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

For the purpose of investigation, notices under section 41-A Cr.P.C. were also served on the accused in the FIR on 15/6/2015.

Prima facie case is yet to be made out against the accused in the FIR. The investigation is pending for want of examination of some more witnesses and for collection of material evidence to establish the offence.

The fair and impartial investigation is going on. Necessary steps will be taken against the accused in the FIR depending on the evidence adduced during the course of investigation. Appropriate report under section 173 Cr.P.C. will be filed before the concerned Hon'ble court as expeditiously as possible by following the due procedure.

It is humbly submitted that almost all the averments made in the affidavit filed in support of the writ petition are the subject matter of investigation in Cr.No. 387/2015 for which impartial investigation is under hectic progress. To complete the full-fledged investigation of the case, it require some more time to the investigating agency. I assure to this Hon'ble court that the investigation will be completed at the earliest. The other allegations made in the affidavit are false, baseless and hence the same are denied."

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 instructions furnished by the Sub-Inspector of

Police, Kushaiguda Police Station. No costs.

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

JUSTICE A.V.SESHA SAI

23/09/2015
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HONOURABLE SRI JUSTICE A.V. SETHA SAI

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