

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

WRIT PETITION No.29323 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 of the respondent No. 2 and 3 herein in investigating into Cr.No.170/2015, though the said crime is registered on 12-2-2015 as being illegal, arbitrary and unconstitutional, and consequently direct the respondent Nos. 2 and 3 herein to complete the investigation in accordance with the provisions of SC/ST (POA) Act, 1989.”

Heard Sri S. Prasad Babu, 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 16-09-2015 furnished by the Sub-Inspector of Police, L.B. Nagar Police Station, Cyberabad have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“It is submitted that the petitioner herein has lodged a complaint on 12.2.2015 with the Station House Officer, L.B.Nagar Police Station, Cvberabad, stating that the 4th respondent herein and others abused the complaint by touching his caste, due to some dispute. The complainant/petitioner herein requested the police to take necessary action.

Basing on the said complaint a case in Cr.No.170/2015 dated:12.2.2015 U/s. 3 (i) (x) SC/ST (POA) Act, 1989 has been registered against the respondent No.4 on the file of L.B.Nagar Police Station, Cyberabad and the investigation was taken up by the Asst. Commissioner of Police, L.B.Nagar Division and visited the scene of offence.

During the course of investigation the complainant and another witnesses were examined and recorded their detailed statements. Basing on the evidence, it revealed that during the time and place of alleged incident of caste abuses the accused persons were in front of Sri.K.Praveen Kumar, Sub Inspector of Police, L.B.Nagar police station to depose their evidence in Cr.No.164/2015 U/s. 498-A IPC. Further this respondent also examined the said K.Praveen Kumar, Sub Inspector of Police, and Gadda Mahender Police constable of, L.B.Nagar police station who was performing sentry duty on the date of the alleged incident, because the scene of offence is very near to the sentry post.

Further it revealed that the petitioner herein was involved in Cr.No.91/1998 U/s. 147, 148, 448, 374, 361, 8c and Sec. 3 & 4 of PDPP Act of Nalgonda-II and other cases and that rowdy sheet also opened against the petitioner herein in Nalgonda District.

The tower location of A-I on the date of time of offence i.e., on 11.2.2015 shows that he was present at Meerpet village. This fact falsifies the version of the complainant that the A-I participated in the alleged offence.

It is submitted that the Tahsildar, Nalgonda Mandal issued caste certificate of the complainant as SC-Madiga and the caste certificates of the accused persons are awaited.

It is submitted that as per the evidence and statements of the witnesses the accused persons did not commit the said offence as alleged by the complainant. It is submitted that after completion of investigation an appropriate report will be filed before the concerned Hon'ble Court as expeditiously as possible."

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 with a further direction to the police to complete investigation and file final report in the concerned Court.

In view of the above, the writ petition stands disposed of, by recording the written instructions, dated 16-09-2015 furnished by

the Sub-Inspector of Police, L.B. Nagar Police Station, Cyberabad and the respondent police authorities are directed to complete the investigation and file final report, as expeditiously as possible, in Crime No.170 of 2015.

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

September 28, 2015

Pn

-

-

-

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

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

WRIT PETITION No.29323 of 2015

-

September 28, 2015

Pn

It is submitted that the petitioner herein has lodged a complaint on 12.2.2015 with the Station House Officer, L.B.Nagar Police Station, Cvberabad, stating that the 4th respondent herein and others abused the complainant by touching his caste, due to some dispute. The complainant/petitioner herein requested the police to take necessary action.

Basing on the said complaint a case in Cr.No.170/2015 dated:12.2.2015 U/s. 3 (i) (x) SC/ST (POA) Act, 1989 has been registered against the respondent No.4 on the file of L.B.Nagar Police Station, Cyberabad and the investigation was taken up by the Asst. Commissioner of Police, L.B.Nagar Division and visited the scene of offence.

During the course of investigation the complainant and another witnesses were examined and recorded their detailed statements. Basing on the evidence, it revealed that during the time and place of alleged incident of caste abuses the accused persons were in front of Sri.K.Praveen Kumar, Sub Inspector of Police, L.B.Nagar police station to depose their evidence in Cr.No.164/2015 U/s. 498-A IPC. Further this respondent also examined the said K.Praveen Kumar, Sub Inspector of Police, and Gadda Mahender Police constable of, L.B.Nagar police station who was performing sentry duty on the date of the alleged incident, because the scene of offence is very near to the sentry post.

Further it revealed that the petitioner herein was involved in Cr.No.91/1998 U/s. 147, 148, 448, 374, 361, 8c and Sec. 3 & 4 of PDPP Act of Nalgonda-II and other cases and that rowdy sheet also opened against the petitioner herein in Nalgonda District.

The tower location of A-I on the date of time of offence i.e., on 11.2.2015 shows that he was present at Meerpet village. This fact falsifies the version of the complainant that the A-I participated in the alleged offence.

It is submitted that the Tahsildar, Nalgonda Mandal issued caste certificate of the complainant as SC-Madiga and the caste certificates of the accused persons are awaited.

It is submitted that as per the evidence and statements of the witnesses the accused persons did not commit the said offence as alleged by the complainant. It is submitted that after completion of investigation an appropriate report will be filed before the concerned Hon'ble Court as expeditiously as possible.