

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

WRIT PETITION No.28425 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 directing the 2nd Respondent to transfer the case in Cr.No.34 of 2015 dated 12.02.2015 from the Police Kachiguda, to any other concerned Police Station within the jurisdiction of the 2nd Respondent for Investigation and Report.”

Heard Sri Kaluvala Venkata Vara Prasad, 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 furnished by the Assistant Commissioner of Police, Kachiguda Division, Hyderabad have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“It is submitted that the Writ Petitioner lodged complaint dated 12.2.2015 vide FIR No.34/2015 u/s.3 (1)(ix) of SC & ST (POA) Act, 1989 against 1) G. Janardhan, and 2) K.S.Rao. The contents of the complaint relate to service matters. On 25.2.2015 the Commissioner of Police appointed the Assistant Commissioner of Police, Kachiguda as Investigating Officer. On 3.3.2015, the complainant was examined, his statement was recorded and collected documents from him.

During the course of investigation, on 3.3.2015 the Tahsildar, Suryapet Mandal, Nalgonda district was addressed a letter to verify the caste certificate produced by the complainant and state whether it is genuine or not.

On 11.3.2015, Sri S. Koteswar Rao, Asst. Manager DVM Officer, Charminar Depot, Hyderabad was examined and recorded his detailed statement.

On 7.4.2015, 1) Sri Endurthi Ashok Reddy, 2) Sri Rangapuri Srinivas, 3) Sri Priya Ram Mohan, 4) Sri Maloth

Sammaiah, and 5) Sri Saga Narsing Rao, all are working as RTC Conductors at Hayathnagar-I Depot, Musheerabad Depot-II, Musheerabad Depot-I, Musheerabad Depot-I and Miyapur Depot-I respectively and recorded their detailed statements.

On 10.4.2015, Sri K. Venkateshwar Rao, Depot Manager, Kachiguda Depot was examined and recorded his detailed statement and collected various documents. It is submitted that the investigation proved that there is nothing to establish criminal intention against the accused.

Since there is no evidence attracting Section 3 (1)(IX) of SC & ST (POA) Act, 1989, on 18.4.2015 the opinion of the Addl. PP (Gr-I)-cum-Spl. PP for SC & ST (POA) Act, VI Addl. MSJ Court, Secunderabad was sought.

It is submitted that after receipt of opinion, on 5.9.2015 the Commissioner of Police, Hyderabad City was requested to accord permission for referring the case as False and permission is awaited from the Commissioner of Police.

It is submitted that since the investigation is completed, the petitioner is not entitled for any relief and the Writ Petition is liable to be dismissed. It is incorrect to state that the Respondent Police have not completed investigation. All the allegations made in the affidavit are not correct and hereby denied."

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.

In view of the above, the writ petition stands disposed of, by recording the written instructions furnished by the Assistant Commissioner of Police, Kachiguda Division, Hyderabad.

Miscellaneous Petitions pending, if any, shall stand closed.
There shall be no order as to costs.

A.V. SESA SAI, J

September 10, 2015

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

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