

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

W.P.No.25875 of 2015

O R D E R:

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

“ The Hon'ble Court may be pleased to issue order or direction more particularly in the nature of writ of mandamus declaring the action of the respondent nos.3 and 4 in not investigating the matter in FIR No.90/2015 and not arresting the accused and not filing charge sheet in the said FIR as arbitrary and illegal and violation of Articles 14 and 21 of the Constitution of India and consequently direct the respondent nos.3 and 4 to investigate the case in FIR No.90/2015 and arrest the accused and to file charge sheet in the competent court of law and to pass such other order or orders as this Hon'ble Court may deem fit just and proper in the circumstances of the case.”

When the matter is taken up for consideration, written instructions dated 20.8.2015 furnished by the Sub Inspector of Police, Wadapally Police Station, Nalgonda District has been placed on record by the learned Government Pleader for Home and the relevant portion of the same reads as under :

“ It is respectfully submitted that one Advanth Suvama/the petitioner herein lodged complaint against P.Kiran and 26 others stating that she taken site for lease from one Polloju Narasimhachary relating to Kondrapolu village and constructed a house and living there. While days going on the above said persons attacked her house by using her caste name and beaten her, and threatened her with dire consequences and stolen silver upto cash and Rs.2,40,000/- and one cell phone, hence requested to take necessary action.

Basing on her complaint a case in Cr.No.90/2015 u/s448, 427, 379, 506, 323 r/w 34 IPC and Section 3(1)(x) of SCs/STs of POA Act 1989. the investigation officer took up the investigation. During the course of investigation 12 witnesses were examined and recorded their statements, it is also submitted that during the course of investigation it revealed that all the accused were belongs to the SC community except one who is not involved in the above said crime hence the above said SCs/STs section does not attract, hence proposals are sent to the higher authorities on 16.7.2015 through proper channel to delete the Sec 3(1)(x) of SCs/STs of POA Act of 1989 and to file the chargesheet under the other sections and the permission is awaited.

It is further submitted that almost all the investigation is completed and after getting permission for deletion of section of law from the concerned officer chargesheet will be filed. But the petitioner herein filed this writ petition by making false allegations against the respondent police hence denied.”

Noticing the said instructions, learned counsel for the petitioners requests to dispose of the writ petition by recording the above written instructions dated 20.8.2015 by directing the respondent-authorities to file final report expeditiously.

In view of the above, the writ petition stands disposed of by recording the above written instructions dated 20.8.2015 furnished by the Sub Inspector of Police, Wadapally Police Station, Nalgonda District and the respondents-police are directed to file final report as expeditiously as possible. Miscellaneous applications, if any pending in the writ petition, shall stand closed. No costs.

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A.V.SESHA SAI, J

Date:25.8.2015

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