

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

WRIT PETITION No.40020 of 2014

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 on the part of respondents 2 to 4 in investigating the Crime in FIR. No. 170/2012, in filing the final report by apprehending the accused therein even after lapse of more than two years as illegal, arbitrary, unconstitutional and consequently direct the respondents 2 to 4 to investigate the aforesaid crime and file Final Report before the Hon'ble Junior Civil Judge Court, Vinukonda, Guntur District.”

Heard Sri G. Venkata Reddy, 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 22-01-2015 furnished by the Officer on Spl. Duty (Operations), Piduguralla, Guntur Rural District 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 had filed private complaint U/s 200 Cr.P.C. on the file of the Hon'ble Court of Judicial Magistrate of First Class, Vinukonda, Guntur Rural District against G.Srinivasa Rao/5th respondent herein.

It is respectfully submitted that, upon receipt of the above private complaint, the Honourable Court forwarded it to this Respondent Police Station for investigation and report U/s 156 (3) Cr.P.C. On receipt of the private complaint from the Hon'ble Court, a case in Cr.No.170/2012 U/s.4 of SCs/STs (POA) Act, 1989 and Sec.156 (3) Cr.P.C. was registered on 14.9.2012 against G. Srinivasa Rao/5th respondent herein-Inspector of Police, Vinukonda on the file of Vinukonda PS. Guntur Rural District and investigation was taken up by the SDPO Narsaraopeta.

The Sum and substance of the complainant are that, on

3.11.2005 he lodged a complaint with Sub Inspector of Police, Vinokonda, but he did not take any action, hence he approached Circle Inspector of Police, Vinokonda and the same was endorsed to Sub Inspector of Police, Vinokonda, vide C.No.244/CI-DO/2005, dated: 4.11.2005.

Further the petitioner approached the Hon'ble Upa Lokayaktha and inturn endorsed to the Inspector General of Police, Guntur Range vide letter Dis.No.614/2006/B2/5072 2006 dated: 25.5.2006 for enquiry. The matter was enquired through the Dy. Superintendent of Police, Guntur Town. It is submitted that, the Dy. Superintendent of Police, Guntur Town enquired the matter and submitted a report to the Inspector General of Police, Guntur Range. Basing on that report, the Inspector General of Police, Guntur Range submitted a report to the Hon'ble Upa Lokayaktha vide C.No.2743/C2/2006, dt:2.8.2006. The contents of the enquiry report are that, the petitioner herein is in habit of raising allegation against the official working in Vinkukonda. He participated in many unlawful activities. He staged 'Rasta Roko' by putting the dead body on the road on 26.6.2003 and caused inconvenience to the public, vide Cr.No.98/2003 U/s.174 Cr.P.C. (death due to electrical shock). On 20.11.2000 for getting family member's certificate, the petitioner had given a petition to V.A.O and later the petitioner raised allegations against the VAO that the VAO abused him in filthy language offending his caste on 25.11.2000 and also staged dharna infront of MRO's office. In this connection the MRO Thripuranthakam of Prakasam District had enquired the matter and addressed a letter to the Collector and Dist. Magistrate, Ongole, stating that the allegations leveled by the petitioner false and baseless. In the year 2001 the petitioner presented a report against the Bank Manager, SBI Vinukonda, stating that he went to the Bank for sanction of loan and the Manager abused him offending his caste This is the subject matter in Cr.No.239/2001 U/s.506 IPC & Sec.3 (i) (x) SC, ST (POA) Act, 1989 of Vinukonda P.S. During the course of investigation the case was referred as false on 5.11.2001.

The petitioner also participated in 'Rasta Roko' at Vinukonda along with some antisocial elements in Cr.No.59/2003 U/s.304-A of Bandlamotu P S. on 21.1 L2003 The petitioner herein habitually publishes pamphlets against the official such as MDO. MRO, Bank Manager. All the above incidents prove that the petitioner herein is a petition-monger leveling baseless allegations against the officials for not considering his request the petitioner leveled allegations against the SI, CI and SDPO Narsarapet with ulterior motive which are baseless and untenable.

However, the disciplinary proceedings have been initiated against the Sub Inspector of Police, Vinukonda P.S. for not enquiring into and taking any action on the representation of the petitioner which was received by the Sub Inspector of Police vide C.No.136/PR/A10/

2006 dated: 15.7.2006 of the Superintendent of Police, Guntur District.

It is submitted that, in Cr.No.170/2012 8 witnesses have been examined and recorded their detailed statements. The witnesses did not support the version of the complainant. The investigation revealed that, he lodged false complaint against the accused/5th respondent- G.Srinivasa Rao, Inspector of Police, Vinukonda. In this regard legal opinion obtained from the Spl. Public Prosecutor, SC/ST Court, Guntur and he opined that, the matter may be referred as action drop. Further, requisition has been submitted to the Inspector General of Police, South Coastal Zone, Guntur Range to accord permission to refer the case as "Action Drop". After obtaining orders and after serving the notice to the complainant, an appropriate report will be submitted before the concerned Hon'ble Court at the earliest."

On noticing the above said instructions, learned counsel for the petitioner has requested this Court to dispose of the writ petition by recording the said instructions with a further direction to the respondent police to file final report as expeditiously as possible.

In view of the above submission, the writ petition stands disposed of, by recording the written instructions, dated 22-01-2015 furnished by the Officer on Spl. Duty (Operations), Piduguralla, Guntur Rural District and respondent police authorities are also directed to file final report in the Court, as expeditiously as possible.

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

October 05, 2015

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