

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

W.P.No.22106 of 2015

O R D E R:

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

“ For the reasons stated in the accompanying affidavit in support of the writ petition the petitioner herein prays that this Hon'ble Court may be pleased to issue a Writ or Order, or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not completing the investigation and not arresting the accused in Crime No.110/2014 of Kadiri Rural Police Station, Anantapuram District as illegal, arbitrary and in violation of principles of natural justice and in violation of Article 14 of the Constitution of India and consequently direct the respondents to complete the investigation and file the charge sheet in Crime NO.110/2014 of Kadiri Rural P.S., Anantapuram District in the interest of justice and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

When the matter is taken up for consideration, written instructions dated 28.7.2015 furnished by the Sub-Divisional Police Officer, SC/ST Cell-II, Anantapuram 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 the petitioner had lodged a complaint on 27.11.2014 with the Station House officer, Kadiri Rural Police Station, Anantapuram District stating that the 6th respondent herein/P.Venkata Ramana cheated the complainant, outraged her modesty and abused her by touching her caste. The complainant requested the police to take necessary action.

It is respectfully submitted that basing on the said complaint a case in Cr.No.110/2014 dated 27.11.2014 u/s354-A, 506, r/w 34 IPC

and Sec.3 (1)(xi) of SC/ST (POA) Act, 1989 was registered against the 6th respondent on the file of Kadiri Rural Police Station, Anantapuram District and investigation was taken up by the Sub Divisional Police Officer, SC/ST Cell-II, Anantapuram.

It is submitted that during the course of investigation the complainant and eight witnesses were examined and recorded their detailed statements. It is submitted that LW-1 is the complainant, LW-2 is her sister and LW-3 is the mother, they are interested witnesses and they corroborated the contents of FIR. LWs 4 to 9 are the independent witnesses they have not supported the version of Lws 1 to 3. It is submitted that during the course of investigation the presence of Lws-1 to 3 at the time of occurrence of the offence was not proved. It is submitted that Notice dated 2.12.2014 u/s 41-A Cr.P.C. was served on the accused person.

It is submitted that the investigation revealed that the complainant had illegal intimacy with the accused. After a case in Cr.No.200/2014 dt.7.7.2014 u/s.324, 341, 506 r/w 34 IPC & Sec.3(i)(x) SC/ST (POA) Act 1989 on the file of Kadiri Town Police Station filed against one Anuradha wife of the accused, since then there was no relationship between the accused and the complainant is being maintained. The accused asked the complainant to withdraw the complaint against his wife hence there was a dispute between the complainant and the accused.

It is further submitted that the call details suggest that the accused and the complainant are not present at the scene of offence as mentioned in the complaint and they are in different places at the time of alleged occurrence. Hence the complainant lodged false complaint against the accused.

It is submitted that the investigating officer sent requisition to the Deputy Inspector General of Police, Anantapuram Range, Anantapur vide C.No.24/Genl./ DSP-SC-Cell-II/2015 dt.17.6.2015 to accord permission to refer the case as false. It is submitted that after obtaining permission from the higher officials and after serving the notice to the

complainant, an appropriate report will be filed before the concerned Hon'ble Court as expeditiously as possible.

It is respectfully submitted that the respondent police shall obey the directions if any passed by this Hon'ble Court.”

Noticing the said instructions, learned counsel for the petitioner requests to dispose of the writ petition by recording the above written instructions dated 28.7.2015.

In view of the above, the writ petition stands closed by recording the above written instructions dated 28.7.2015 furnished by the Sub-Divisional Police Officer, SC/ST Cell-II, Anantapur. Miscellaneous applications, if any pending in the writ petition, shall stand closed. No costs.

A.V.SESHA SAI, J

Date:6.10.2015

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THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

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