

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

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WRIT PETITION No.15792 OF 2015

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ORDER:

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

“to declare the action of the respondents 2 & 3 in not taking any action against the respondents 4 to 7 inspite of the registration of Crime for the offences U/s.324, 420, 427, 448, 449, 506 r/w 120(B) and 34 IPC & 156(3) Cr.P.C. vide FIR No.35/2015, dated 27.01.2015 and allowing the respondents 4 to 7 to continuous physical abuse causing life threat is illegal, arbitrary and amounting to violation of Art.21 of Constitution of India by consequently directing the respondents 2 & 3 to give protection to the petitioners by taking immediate appropriate action in Cr.No.35/2015, dated 27.01.2015 of 3rd respondent Police Station and to pass such other order or orders as this Hon'ble Court may deems fit just and proper in the circumstances of the case.”

2 . Inaction on the part of the respondents/police authorities in completing the investigation in Crime No.35 of 2015 is the grievance in the present writ petition.

3. When the matter is called today, written instructions dated 15.06.2015 furnished by the Inspector of Police, Falaknuma Police Station, Hyderabad City, have been placed on record by the learned Government Pleader for Home. In the said instructions, it is stated as follows:

“ It is respectfully submitted that as per the records, it is revealed that the petitioner herein has filed a private complaint U/sec.200 Cr.P.C. on the file of the Hon'ble Court of XVI Addl. Chief Metropolitan Magistrate against the unofficial respondents 4 to 7 herein.

Upon receipt of the private complaint, the Hon'ble Court forwarded it to the Station House Officer, Falaknuma Police Station, Hyderabad for investigation and report U/sec.156(3) Cr.P.C.

On receipt of the private complaint from the Hon'ble Court, a case in Cr.No.35/2015 U/secs.324, 420, 427, 448, 449, 506 r/w 120-B, r/w.34 IPC

was registered on the file of Falaknuma Police Station, Hyderabad on 27.01.2015 and investigation was taken up.

It is respectfully submitted that during the course of investigation, the investigation officer examined as many as 9 witnesses including the petitioner-complainant and recorded their detailed statements. Wound certificate also obtained in which the doctors who treated the injured-complainant opined that the injuries sustained by him are simple in nature. However, the investigation is pending for want of collection of some more evidence including the documentary evidence to prove the offence.

It is pertinent to submit that almost all the averments made in the affidavit filed in support of the writ petition are the subject matter of investigation in Cr.No.35/2015 for which a detailed investigation is under hectic progress to find out the guilt of the accused. Basing on the outcome of the investigation, necessary steps will be taken against the accused in the FIR. An appropriate report U/sec.173 Cr.P.C. will be filed shortly before the concerned Hon'ble Court by following the due procedure.

I humbly submit that I pray this Hon'ble Court to grant some more time to the investigating agency for completion of the full-fledged investigation. The other allegations made against the respondent police are false and hence denied."

3. On noticing the said instructions, a request is made by the learned counsel for petitioner to record the said instructions and close the writ petition with a further direction to the respondents/police authorities to complete the investigation and to file a report as expeditiously as possible.

4. In view of the above submission and the written instructions made available before this court by the learned Government Pleader for Home, Writ Petition is disposed of, by recording the written instructions dated 15.06.2015 furnished by the Inspector of Police, Falaknuma Police Station, Hyderabad City and also the respondents/police authorities are directed to complete the investigation and file a report before the concerned court as expeditiously as possible.

5. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

03rd August, 2015

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