

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

TUESDAY THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 31521 OF 2015

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Between:

Bhukya Kalavathi ... Petitioner

Vs.

The State of Telangana,
Rep.by its Prl.Secretary,
Home Department, Secretariat,
Hyderabad & Ors. ... Respondents

Counsel for the Petitioner: Sri Rajesh Reddy

Counsel for the Respondents: GP for Home [AP]

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 31521 OF 2015

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ORDER:

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

- a. *“To declare the inaction of respondents 2 to 4 in not completing investigation by arresting the accused persons and not filing final report/charge sheet in Cr.No. 127 dated 16/3/2015 on the file of PS Khanapuram Haveli, Khammam, Khammam district as illegal and unconstitutional;*
- b. *Consequently to direct the respondents 2 to 4 to take necessary action against all the accused by arresting them and complete the investigation and file final report/charge*

sheet in Cr.No. 127/2015 dated 16/3/2015 on the file of II-Town Police Station, Khammam, Khammam district and

- c. *To pass such other suitable orders as this court may deems fit and proper in the circumstances of the case.*

2. Heard Sri Rajesh Reddy, learned counsel for the petitioner and the learned Government Pleader for Home for the respondents.

3. When the matter is called, written instructions dated 01/10/2015 furnished by the Sub-Inspector of Police, Khanapuram Haveli, Khammam district have been placed on record by the learned Government Pleader for Home for the respondents.

3. The written instructions, reads as under:

"It is submitted that on 01/3/2015 at 1045 hours, the complainant Bonam Prem Kumar came to the Police Station and lodged a complaint stating that his brother Bonam Vijaykumar has taken Oasis Resorts on lease. In respect of the said issue, his brother filed a private case against one Ereneni Rama Rao r/o Station Road, Khammam. In the morning at about 0830 hours his brother Vijay Kumar went into the Oasis Resorts to verify the works and at that time one Potu Sharath and four others entered the resorts in a car, picked up quarrel and beat him with sticks and threatened him with dire consequences. Having heard the cries of his brother, he rushed there and saw four persons escaped by scaling over the wall. He shifted his brother to Government Hospital, Khammam. He requested the police to take necessary action against them. The said complaint was registered as FIR.No. 103/2015 under section 294 (b) 324, 5-6 r/w 34 IPC and took up investigation.

It is submitted that during the course of investigation, Police examined the complainant and recorded his statement. Thereafter, visited the scene of offence, examined the witnesses and recorded their statements. Later, visited the Government Headquarters Hospital, Khammam and recorded the statement of the injured Bonam Vijaykumar.

It is submitted that neither the complainant nor the injured have identified the accused and there is no other evidence. The only identified accused Potu Sharath who is looking after the repairing work of Oasis Resorts on behalf of Erneni Rama Rao is absconding.

It is submitted that some more witnesses have to be examined in the case. The case is under investigation.

In view of the facts stated above, it is submitted that the allegation that despite repeated requests, police is not completing the investigation is not correct and denied. The allegations that the petitioner approached the second and third respondent and requested them to complete the investigation and file charge sheet against the accused but they did not initiate any action on her requests are all false, baseless, allegations and hereby denied. The petitioner has not approached the Police Station, as alleged in the affidavit. It is submitted that after completion of investigation, appropriate action will be taken up against the accuse in accordance with law. It is submitted that there are no merits in the writ petition and the same may be dismissed”.

4. On noticing the same, the learned counsel for the petitioner has requested this court to dispose of the writ petition by recording the said written instructions.

5. In view of the above, the writ petition is disposed of by recording the above written instructions furnished by the Sub-Inspector of Police, Khanapuram Haveli, Khammam district and the respondent police authorities are directed to complete the investigation and file final report as expeditiously as possible. No costs.

6. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE A.V.SESHA SAI

06/10/2015

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HONOURABLE SRI JUSTICE A.V. SETHA SAI

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Court Master: I s L