

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

TUESDAY THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 28908 OF 2015

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Between:

Syed Layeeq Ali ... Petitioner

Vs.

The State of Telangana

Rep. by its Prl Secretary,

Home Department

Secretariat,

Hyderabad & Ors. ... Respondents

Counsel for the Petitioner: Sri S.Mohd.Abdul Raheem Khan

Counsel for the Respondents: GP for Home [TG]

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 28908 OF 2015

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ORDER:

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

“To declare the inaction of 1st to 6th respondents in not considering and not disposing the petitioner’s complaint dated 14/08/2015 by not registering FIR not investigating, not arresting and not prosecuting the 7th and 8th respondents as per law, as illegal, arbitrary, unconstitutional and thereby infringing and violating and depriving the petitioner from the enjoyment of his fundamental right to life

guaranteed under Article 21 of the Constitution of India and to direct the 1st to 6th respondent to consider and allow the petitioner's complaint dated 14/08/2015 and initiate necessary legal action viz., register/get registered as FIR against the 7th and 8th respondents herein, investigate/get investigate the matter, arrest/get arrest and prosecute/get prosecute them as per law and to pass such other suitable orders as this court may deems fit and proper in the circumstances of the case."

2. When the matter is called, written instructions dated 11/09/2015 furnished by the Sub-Inspector of Police, Mahesswaram Police Station, Cyberabad Commissionerate have been placed on record by the learned Government Pleader for Home.

3. The written instructions, reads as under:

"It is respectfully submitted that as per records, the facts of the case are as follows:

The petitioner herein has sent a petition dated 14/8/2015 by registered post to this respondent police station which was received on 19/8/2015 in and by which it was stated that on 7/8/2015 at about 9:30 p.m. Mr.Prabhulingam Shetty along with his muscular hencmen, rushed and illegally trespassed into his residence, abused him and his family members in filthy language, caused insult to him and his family members and when he protested, the said Prabhulingam and his henchmen goonda elements, brutally beat the petitioner with hands, legs, black and blue and caused internal body injuries and hence he requested the police to initiate action against Prabhulingam Shetty and A.Laxmaiah.

U-on receipt of the petition through post, immediately, an entry was made in the Station General Diary stating that after conducting preliminary enquiry into the matter, action will be taken.

Accordingly, a detailed preliminary enquiry was conducted. After conducting preliminary enquiry into the matter, a case in Cr.No.221/2015 under section 448, 323 IPC was registered on the file of Maheshwaram Police Station, Cyberabad

Commissionerate on 10/9/2015 and taken up the investigation.

It is submitted that the investigation is at the preliminary stage. Necessary steps will be taken against the 7th and 8th respondents herein depending on the evidence adduced during the course of investigation. Appropriate report under section 173 Cr.P.C. will be filed as expeditiously as possible before the concerned court by following the due procedure.

It is pertinent to submit that almost all the averments made in the affidavit are the subject matter of investigation in Cr.No.221/2015 for which a detailed investigation is under progress.

It is also pertinent to submit that action was taken on the complaint of the petitioner herein sent by registered post by registering an FIR.No.221/2015 on 10/9/2015. Some delay had occurred in taking action on the complaint of the petitioner herein which is neither willful nor want.”

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 reasons mentioned in the written instructions, dated 14/09/2015 furnished by the Sub-Inspector of Police, Maheswasram Police Station, Cyberabad Commissionerate.

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

JUSTICE A.V.SESHA SAI

15/09/2015

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HONOURABLE SRI JUSTICE A.V. SETHA SAI

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Court Master: I s L