

THE HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.22642 of 2015

ORDER:

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

“to issue Writ of Mandamus declaring the inaction of the respondents in not conducting proper investigation in crime No.33 of 2015 dated 20.03.2015 on the file of 4th respondent as illegal and arbitrary.”

When the matter is taken up, written instructions dated 28.07.2015 furnished by the Station House Officer, Manthani Police Station, Karimnagar District have been placed on record by the learned Government Pleader, wherein it is stated as follows :-

“It is respectfully submitted that on 20.03.2015 at 1200 hrs this respondent received a complaint from one Mekala Kishore Babu, Panchayat Secretary of Manthani against the petitioner’s husband for obstructed the complainant and his Gram Panchayat workers to discharging duties and requested to take necessary action. Accordingly, a case was registered in crime No.31 of 2015 under Section 353 IPC and took up the investigation. During the course of investigation the accused Shabbeer Ahmed Khan i.e., husband of the petitioner was absconded, therefore, absconding charge sheet was filed against him in the Hon’ble Judicial First Class Magistrate, Manthani and obtained C.C.No.252 of 2015 dated 12.06.2015 and next date of hearing is 18.11.2015.

On the same day i.e., 20.03.2015 at 1500 hrs this respondent received another complaint from one Agolapu Shankar Goud, Taddy tapper against the petitioner’s husband for abusing the Manthani Sarpanch in filthy language and beat the complainant, Tulesigari Suresh, Tulesigari Srinivas with bricks and hands due to which they received bleeding injuries and threatened with dire consequences and requested this respondent to take necessary action. Accordingly, a case was registered in crime No.32 of 2015 under Sections 324, 506 IPC and took up the investigation. During the course of investigation the accused Shabbeer Ahmed Khan i.e., husband of the petitioner herein was absconded, therefore, absconding charge sheet was filed against him in the Hon’ble Judicial First Class Magistrate, Manthani and obtained C.C.No.253 of 2015 dated 12.06.2015 and next date of hearing is 12.11.2015.

On the same day i.e., 20.03.2015 at 1630 hrs this respondent received another complaint from the petitioner herein against the respondents 5 to 11 i.e., complainants in crime Nos.31 and 32 of 2015 stating that the accused trespass into the house of the complainant and abused in filthy language and also with an intention to kill the husband of the complainant i.e., Shabbeer Ahmed Khan with sticks, iron rods, stones and bricks, due to which he received injuries to his body and requested to take necessary action against the

accused. Basing on the complaint this respondent registered a case vide crime No.33 of 2015 under Sections 448, 290, 307 r/w 34 IPC dated 20.03.2015 and took up the investigation.

During the course of investigation this respondent examined the witnesses, recorded the statements, visited the scene of offence, drawn a rough sketch and conducted panchanama with mediators, and came to know that there was a political grudge between the petitioner's husband and the respondents 5 to 11, to escape in the above two crimes 31 and 32 of 2015 the petitioner's husband was absconded. Further, the petitioner and her husband vacated the place and their whereabouts are not known to this respondent till now efforts are taken for finding them.

It is respectfully submitted that, the petitioner contended that after registration of crime this respondent not showing any interest to investigate the matter is denied, because, the petitioner and her husband are in absconding and further they vacated their house. The petitioner is not residing in the given address and also not cooperating with the investigation officer to complete the investigation, due to the above reasons delay in completing the investigation."

On noticing the same, it is requested by the learned counsel for the petitioner that the petitioner will approach the Superintendent of police, Karimnagar, Karimnagar District-3rd respondent by way of representation for redressal of her grievance.

In view of the above, this Writ Petition is disposed of permitting the petitioner to approach the 3rd respondent with necessary representation. If any such representation is submitted, the same shall be disposed of, as expeditiously as possible, in accordance with law. No costs.

As a sequel, the miscellaneous applications, if any, shall stand closed.

A.V. SESA SAI, J

Date : 03.08.2015

Note : Issue C.C. in two days.

(B/o)

ssp

