

**THE HONOURABLE SRI JUSTICE A.V.SESHA SAI**

**WRIT PETITION No.25041 of 2015**

**ORDER**

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

“to issue a writ, order or direction, more fully one in the nature of Writ of Mandamus declaring the action of the 3<sup>rd</sup> respondent herein in not initiating any investigation pursuant to the intimation of the Medical Officer, the Government Hospital, Punganur, Chittoor District with regard to Medico Legal Case (MLC) of the petitioner herein as illegal, void and capricious and consequently direct the 3<sup>rd</sup> respondent to register the crime against the 4<sup>th</sup> respondent by taking into consideration of the incident taken place on 03.08.2015 against the petitioner herein and grant police protection to him and pass such other order or orders”.

2. Heard learned counsel for the petitioner and learned Government Pleader for Home for respondents 1 to 3.

3. Today, when the matter is taken up, learned Government Pleader for Home has placed on record the written instructions dated 28.08.2015 furnished by the Assistant Sub-Inspector of Police, Punganur Police Station, Chittoor District. The said instructions read as under;

It is submitted that the petitioner herein lodged a complaint on 12.08.2013 with the Station House Officer, Punganur Police Station, Chittoor District, stating that the 4<sup>th</sup> respondent-K. Basava Kumar and one Siva and others with preplan criminally trespassed into the house of the complainant, abused in filthy language, beat the complainant, his wife/Manjula, demolished hotel building in Sy.No.251/8,9,10 and 11 at Chittari Mattam and caused damages about rupees one lakh. The complainant requested the police to take necessary action.

It is submitted that basing on the said complaint, a case in Cr.No.175/2015 dated 12.08.2015 u/s.447, 323, 324, 427, 506, 509 read with Section 34 IPC has been registered against the 4<sup>th</sup> respondent and another on the file of Punganur Police Station, Chittoor District and investigation has been taken up.

During the course of investigation as many as seven witnesses have been examined and recorded their detailed

statements.

It is submitted that on 21.08.2015, the Medical Officer, Government Hospital, Punganur, issued Wound Certificate of the petitioner herein as the injuries are simple in nature.

It is submitted that on 17.08.2015, a requisition was made to the Tahsildar, Punganur Mandal, requesting to furnish the particulars of the said property for the purpose of investigation and the reply is awaited.

It is submitted that on 26.08.2015 a requisition was made to the Commissioner, Municipal Corporation, Punganur requesting to furnish the particulars of the said property for the purpose of investigation. In turn, the Commissioner, Municipal Corporation, Punganur, by his letter Roc.No.554/G1/2015 dated 26.08.2015 stating that the old records are not available in the office.

It is submitted that the matter is under investigation and after receipt of information from the revenue authorities and examination of some more witnesses, the investigation will be finalized and an appropriate report will be submitted before the Honourable concerned Court in accordance with law”.

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

5. In view of the above submission, the Writ Petition is disposed of, by recording the instructions dated 28.08.2015 furnished by the Assistant Sub-Inspector of Police, Punganur Police Station, Chittoor District. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

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**A.V.SESHA SAI**

1<sup>st</sup> September, 2015

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