

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

TUESDAY THE TWENTYFIFTH DAY OF AUGUST
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 20020 OF 2015

Between:

Jupudi Suresh Babu ... Petitioner

V/s.

The State of Andhra Pradesh
Represented by its Prl. Secretary,
Home Department,
Secretariat, Hyderabad & Ors. ... Respondents

Counsel for the Petitioner: Sri K. Gani Reddy

Counsel for the Respondents: GP for Home [AP]

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SETHA SAI

WRIT PETITION NO. 20020 OF 2015

ORDER:

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

“To declare the inaction on the part of Respondents 1 to 3 in taking necessary action against the offenders i.e., Respondents 4 to 10 and not arresting them in Crime No.245 of 2014 under section 448, 352, 506 read with section 34 of IPC of Rajahmundry II-Town Police Station, East Godavari district as totally illegal, arbitrary and consequently to direct the Respondent No.3 to arrest the Respondents 4 to 10 and file charge sheet in Crime No. 245 of 2014 under section 448, 352, 506 read with section 34 of IPC of Rajahmundry II-Town Police Station, East Godavari district and 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. Heard Sri K. Gani Reddy, learned counsel for the petitioner and the learned Government Pleader for Home [AP].

3. The alleged inaction on the part of Respondents 1 to 3 in Crime No. 245 of 2014 on the file of Rajahmundry II-Town Police Station, East Godavari district, is the grievance of the petitioner in the present writ petition. A counter-affidavit is filed by the third respondent/Sub-Inspector of Police, Rajahmundry II-Town Police Station stating that basing on the complaint lodged by the petitioner herein on 29/07/2014, Police registered Crime No. 245 of

2014 for the alleged offences under section 448, 352, 506 read with section 34 of IPC against Respondents 4 to 10 herein and during the course of investigation the complainant/petitioner herein and five witnesses were examined and their statements were also recorded. It is further stated in the counter-affidavit that witnesses did not support the version of the complainant. It is also stated in the counter-affidavit that as the investigation revealed that the complainant lodged false complaint against the accused persons on 20/01/2014 the Investigating Officer filed a requisition before the Sub-Divisional Police Officer, South Zone, Rajahmundry Urban, to accord permission to refer the case as 'false' and after obtaining permission and after serving the notice to the complainant, final report will be filed in accordance with law, as expeditiously as possible.

4. In view of the above, this court deems it appropriate to dispose of the writ petition by recording the averments made in the counter-affidavit.

5. On noticing the contents of the counter-affidavit, the learned counsel for the petitioner has submitted that the petitioner may be given liberty to avail the remedies open to him under the

provisions of Criminal Procedure Code after filing the final report.

6. For the aforesaid reasons, the writ petition is disposed of by recording the contents of the counter-affidavit filed by the third respondent/Sub-Inspector of Police, Rajahmundry II-Town Police Station and with liberty to the petitioner herein to avail the remedies open for him under the provisions of Criminal Procedure Code after filing final report in the concerned court. No costs.

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

JUSTICE A.V.SESHA SAI

25/08/2015

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HONOURABLE SRI JUSTICE A.V. SETHA SAI

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Court Master: I s L