

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.25302 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 particularly one in the nature of writ of mandamus declaring the inaction of the respondents 2 and 3 in providing police protection to the victim girl/petitioner and her family from Respondent No.4/accused in crime No.390/2014 dt.20-07-2014 on the file of the Ongole Taluq Police Station registered under Sec.6 of the Protection of Children against Sexual Offences Act, 2012 and Sec.506 of IPC as being arbitrary, illegal and violative of Art.21 of the Constitution of India and to pass such other order or orders may deem fit and proper in the circumstances of the case.”

2. When the matter is called today, written instructions dated 17.08.2015 furnished by the Sub Inspector of Police, Ongole Taluq Police Station, Prakasam District, have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“It is submitted that after communication of the writ petition, the Station House Officer Ongole Tq; police station, Prakasam District enquired the matter by visiting the petitioner's given address at Jammulapalem post, Tangurur MandaJ, Prakasm District and revealed that the petitioner herein was not residing at the said given address. In this connection on 14.08.2015 the Village Revenue Officer, Jammulapalem given certificate that the petitioner was not staying at the said address. It is submitted that when the petitioner was not residing at the said address, hence the question of providing police protection to her does not arises.

It is further submitted that this respondent file requisition before the Hon'ble Magistrate to record 164 Cr.P.C. statement of the petitioner herein. But the petitioner herein evading to depose her statement. It is

submitted that the case is under investigation. After completion of investigation an appropriate report will be filed before the concerned Hon'ble Magistrate as expeditiously as possible.

It is further submitted that if the petitioner approaches the police station after enquiry if necessary protection will be provided to her and her family members at per their need arises in accordance with law.”

3. While referring to the above instructions, learned counsel for the petitioner has requested this court to dispose of the writ petition with a direction to the respondent police authorities to provide police protection as stated in the instructions.

4. In view of the circumstances, writ petition stands disposed of, directing the respondent police authorities to act in accordance with the above mentioned instructions for considering the request of the petitioner herein for grant of police protection.

5. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

20th August, 2015
SS

Note: issue C.C. today
B/o. SS