

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 34330 of 2011

Order:

This Writ Petition was filed challenging the inaction of the respondents in registering and investigating Crime No.67 of 2011 of Vadalakuru Police Station.

2. A counter affidavit was filed by the third respondent stating that on 30.07.2011 the Sub-Inspector of Police, Podalakuru received hospital intimation about the admission of one Syed Vazeed, husband of the petitioner. After receipt of the said information, the Assistant Sub-Inspector of Police went to Narayana Hospital and recorded his statement. In his statement the said Syed Vazeed stated that while he was proceeding to Podalakur on his motor cycle on 29.07.2011 at about 04.30 AM, a buffalo came across the road and hit his abdomen with its horns due to which he sustained injuries. Based on the same, a case in Crime No.67 of 2011 was registered and investigation was taken up. Thereafter, on 01.08.2011 the Sub-Inspector of Police, Podalakur received death intimation of the said Vazeed from Narayana Hospital, Nellore. Later on, a complaint was also received from the petitioner who suspected it as a case of murder. During the course of investigation, the investigating officer examined 16 witnesses including the petitioner and recorded their detailed statements. A report was also obtained from the Motor Vehicles Inspector, Gudur who opined that the accident is not due to any mechanical defects of the vehicle. In view of the discrepancy in the statement made by the deceased while he was alive and also the contents of the complaint, the testimony of the pillion rider had become crucial. The statement of the pillion rider was recorded under Section 164 Cr.P.C., and he categorically stated that it was a case of accident. It was noticed that there was no clinching evidence to support the version that it is a case of murder. The deceased died due to

'septicemia'. The suspected person Bala Murali Krishna was also interrogated thoroughly.

3. After filing the said counter affidavit, learned Government Pleader produced before this Court a copy of the written instructions he received on 14.08.2015. It discloses that the investigating officer submitted a detailed report to the Sub-Divisional Officer, Atmakur, to accord permission for referring the case as "Abated". After verifying the CD file and knowing the facts of the case, the Sub-Divisional Officer, Atmakur, issued orders on 24.03.2015 to refer the case as "Abated". On receipt of the orders, the police served notice to the complainant, the petitioner herein and submitted final report along with served notice to the complainant.

4. In view of the above facts, this Court feels that no further adjudication is required in the present case. However, the petitioner is given liberty to take appropriate proceedings in accordance with law in the final report filed by the police before the competent Court.

5. The Writ petition is, accordingly, closed. There shall be no order as to costs.

6. As a sequel thereto, the miscellaneous applications, if any, pending in this Writ Petition shall stand closed.

A.
Date: 11.04.2016
Nsr

RAMALINGESWARA RAO, J