

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.33710 of 2016

ORDER:

This writ petition is filed for a writ of *mandamus* declaring the action of respondents 3 to 5 - Investigating Officers in not conducting the investigation properly in C.C.No.221 of 2014, on the file of XIV Metropolitan Magistrate at L.B. Nagar, R.R. District, leading to acquittal of respondents 6 to 9, as illegal and arbitrary and to direct respondents 3 to 5 jointly and severally to pay compensation of Rs.15,00,000/- to the petitioner for their action in not conducting the investigation properly leading to acquittal of respondents 6 to 9 in C.C.No.221 of 2014 because of which the petitioner suffered mental agony and emotional distress and to direct respondents 3 to 5 jointly and severally to pay costs of litigation for a sum of Rs.30,000/- to the petitioner.

2. Heard and perused the material available on record.

3. The case of the petitioner is that on 10.12.2013, the petitioner gave a written complaint to the Station House Officer, Women Police Station, Saroornagar, Cyberabad (2nd respondent) as she was harassed by her husband and his family members and she was also necked out of the house in the mid night. On the basis of her complaint, the 3rd respondent registered the F.I.R. bearing Crime No.242 of 2013 and examined L.Ws.1 to 4 under Section 161 Cr.P.C. and the 4th respondent took charge and examined L.Ws.5 to 11 under Section 161 Cr.P.C. The 5th respondent filed charge sheet before the XIV Metropolitan Magistrate, R.R. District at L.B. Nagar. The learned Magistrate, after consideration of the entire evidence on record and basing on

the investigation made by respondents 3 to 5, acquitted respondents 6 to 9 in C.C.No.221 of 2014, vide judgment, dated 15.03.2016. Aggrieved by the said judgment, the petitioner preferred an appeal bearing CrI.A.No.584 of 2016, on the file of the III Additional District and Sessions Judge, R.R. District at L.B. Nagar, which is pending.

4. The main contention raised by the learned counsel for the petitioner is that C.C.No.221 of 2014 was ended in acquittal only on the ground that the investigation officers, respondents 3 to 5, have not conducted the investigation properly and the trial Court has also not examined the independent witnesses to substantiate the case of the petitioner herein.

5. Learned counsel for the petitioner is unable to inform whether the petitioner has stated in her complaint regarding the availability of independent witnesses to substantiate the claim of the petitioner herein. It is to be noted that the petitioner has already preferred an appeal in CrI.A.No.584 of 2016, on the file of the III Additional District and Sessions Judge, R.R. District at L.B. Nagar, against the order of acquittal, which is pending before the competent Court for adjudication. Hence, this Court is of the view that the present writ petition is premature in nature.

6. Accordingly, the Writ Petition is dismissed. However, the petitioner is at liberty to raise all the points, which are raised before this Court, before the concerned appellate Court in CrI.A.No.584 of 2016. If the appellate Court is of the view that the respondents, more particularly respondents 3 to 5, are at fault for the acquittal of respondents 6 to 9 in C.C.No.221 of 2014, the appellate Court, which is having jurisdiction, shall pass

appropriate orders in CrI.A.No.584 of 2016, in accordance with law. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in the writ petition shall stand closed.

RAJA ELANGO, J

Date: 17th October, 2016

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