

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.6380 of 2016

ORDER:

The prayer of the petitioner in this case is as under:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the impugned action of 4th respondent in not taking any action on the complaint made by the petitioner, registered as Crime No. 255/2015, dated 09-10-2015 as highly illegal, arbitrary and violative of Article 14 of Constitution of India and pass such order or orders as this Hon'ble Court deems fit just and proper in the circumstances of the case.”

The Sub-Inspector of Police, Kurnool II Town Police Station, Kurnool District, filed counter-affidavit, wherein he stated in paras 4 and 5 as under:

“During the investigation the prima – facie case was made out against the accused. Both the accused were surrendered on 28.10.2015 before the Additional Judicial First Class Magistrate Court, Kurnool and enlarged on bail. Hence, charge sheet was filed before the Additional Judicial First Class Magistrate Court Kurnool on 16.12.2015.

As per the above reasons and facts of the case, the petitioner is entitled to get police protection in his life and property. Hence as and when the petitioner wants to the police protection the respondent police is ready to provide police protection to conduct the activities in the said land in Sy.Nos.123, 126, 127 Plot No.45, Street No.43, Sunkesula Road, Kurnool Town, Kurnool District.”

In the light of the afore-stated stand taken by the police authorities, Sri G.V. Shivaji, learned counsel for the petitioner, states that opportunity may be given to his client to avail the offer of police protection.

The writ petition is accordingly disposed of permitting the petitioner to approach the police authorities for protection and in the event he does so, it shall be open to the police authorities to take appropriate action in accordance with the due procedure.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

Date:27.04.2016

GJ/PGS