

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.40325 of 2012

ORDER:

Heard the learned counsel for petitioner and the learned Government Pleader for Home (TS) for respondents.

2. The case of the petitioner is that when his son, Md.Liyaquddin, and a pillion rider, Syed Akbar, were proceeding from Nirmal to Adilabad on a motorcycle on 07.05.2011 at about 9.00 pm., his son died in an accident with a bullock cart and the pillion rider was sent to Hyderabad for better treatment. On receiving information, the petitioner went to the accident spot and noticed that it was not a case of accident, but a case of murder. The petitioner states that he submitted a complaint to the second respondent on 06.08.2011 requesting him to conduct a detailed investigation, but no action was taken. The petitioner further states that because of his son having illicit intimacy with the sister of the pillion rider, the pillion rider hatched up a plan and killed his son. The petitioner further states that the police, instead of taking a complaint from him, received a complaint from the father of the pillion rider and filed final report without issuing any notice to him. In those circumstances, he filed the present writ petition challenging the action of the respondents in not conducting proper investigation in Crime No.22 of 2011 by the Police, Gudihathnoor, Adilabad District.

3. A counter-affidavit was filed stating that a complaint was lodged by the father of pillion rider on 07.05.2011 stating that while his son along with another person was proceeding to Adilabad from Nirmal on Bajaj Pulsor motorcycle No.AP01R 3011, on the way near Mannur Village, the driver of the motorcycle drove it in a rash and negligent manner and dashed a bullock cart, as a result of which, his son sustained bleeding injuries on his lip and left leg, whereas the driver of the motorcycle received bleeding injuries on both his legs, hands and head and died on the same day while undergoing treatment at RIMS, Adilabad. The

counter further states that basing on the said complaint, FIR No.22 of 2011 was registered on 07.05.2011 and the case was taken up for investigation. During the course of investigation, the complainant was examined and his statement was recorded. On 08.05.2011, the Investigating Officer visited the hospital and observed the dead body of the deceased. The inquest was conducted over the dead body. Statements of the witnesses i.e., L.Ws.2 to 10 were recorded. After inquest, the dead body was sent for autopsy. The PME report given by Tutor, Department of Forensic Medicine, RIMS, Adilabad states that the cause of death of the deceased was due to hemorrhage & shock due to multiple injuries. The Motor Vehicle Inspector, Adilabad stated that the accident did not occur due to any mechanical defects in the vehicle and it was a road accident. As per the instructions of the SPDO, Adilabad, on 14.05.2011, the Circle Inspector of Police, Adilabad Rural took up investigation in the matter and verified the investigation done by the Sub-Inspector of Police, Gudihatnoor Police Station and noticed that it went on proper lines. The blood relatives of the deceased alleged that the pillion rider was responsible for the death of the deceased. The counter further states that based on the investigation, permission was obtained from the Additional Superintendent of Police, Adilabad vide proceedings dated 08.10.2011 and the case was referred as "action abated". A notice was served on the complainant under acknowledgment. A final report dated 09.10.2011 was filed before the Judicial First Class Magistrate, Boath.

4. It is clear from the above facts that the petitioner did not lodge any complaint immediately after the accident, but he lodged the complaint only on 06.08.2011. The initial complaint was from the father of the pillion rider who stated that the accident occurred due to rash and negligent driving of the deceased, who hit bullock cart. The Investigating Officer examined several witnesses and recorded their statements. The relatives of the deceased could not pinpoint any person but gave

different versions. Even otherwise also, as per the averments made in the writ petition, it is clear that the petitioner was aware of filing of final report. The petitioner, instead of taking appropriate steps before the competent Court, filed the present writ petition.

5. In view of the above facts and submission of the final report, this writ petition is dismissed, but giving liberty to the petitioner to take appropriate steps in accordance with law, if the petitioner is otherwise aggrieved. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 11.04.2016
TJMR