

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 19687 of 2011

Order:

This writ petition is filed challenging the action of the third respondent in not taking up any enquiry pursuant to the written complaint of the petitioner in File No.13/SP/2011, dated 21.06.2011.

2. The case of the petitioner is that she is a resident of Matsyapuri village of Veera Vasaram Mandal and she and her husband shifted to Hyderabad for eking out their livelihood. She borrowed some amount from the residents and was paying interest also. In spite of the same, when the creditors pressurized her to pay the amounts, she went to her native place and borrowed some more amounts from her relatives. She also filed an insolvency petition on 09.03.2011 in IP No.9 of 2011 on the file of the Senior Civil Judge, Narsapur, West Godavari District. While so, on a complaint registered on the file of Panjagutta Police Station in FIR No.237 of 2011, dated 29.03.2011, for the alleged offence under Section 420 IPC with the allegation that she was conducting a chit fund business, the Sub-Inspector of Police, Panjagutta, by name G. Prabhakar and other police officials forcibly took away her son who was writing SSC examination. They also forcibly took away her brother who was dropping her son at the examination centre. She herself appeared before the police on 11.04.2011 through mediators in Narsapur Town Police Station, wherein her surrender was recorded in the General Diary. However, the SI of Police, Panjagutta along with anti social elements came with two Scorpio vehicles and took her away and confined in the house of one Raju Yadav, Corporator, Panjagutta. In those circumstances, she lodged a complaint on 21.06.2011 before the third respondent. She was produced before XII Metropolitan Magistrate, Hyderabad, showing that she was arrested by Panjagutta Police on 13.04.2011 from her rented house in Hyderabad, contrary to the GD statement recorded by

Narasapur Police on 11.04.2011. It was further alleged by her that while producing her before the Court she was abused, humiliated and manhandled. In those circumstances only she filed the above writ petition.

3. A counter affidavit is filed on behalf of the third respondent wherein it is stated that on 29.03.2011 a case in Crime No.237 of 2011 of Panjagutta Police Station was registered against the petitioner under Section 420 IPC, however, pursuant to the representation submitted by her, an enquiry was conducted by recording the statements of 12 persons including the petitioner on different dates. The third respondent appointed the Deputy Superintendent of Police as an enquiry officer by proceedings dated 21.06.2011 and an enquiry was conducted by him by recording the statements of the individuals on 27.06.2011 and also recorded the statement of the petitioner on 18.07.2011.

4. An additional counter affidavit is also filed on behalf of the third respondent stating that in view of the bifurcation of the State, the entire file which was earlier transferred to the State of Andhra Pradesh was called for and was received by the Telangana State police on 11.09.2015. It is noticed that pursuant to the enquiry, the file was closed as there was no clinching documentary evidence to implicate the fifth respondent and his subordinates. The file was once again scrutinized and a report was submitted to the third respondent on 10.11.2015. The relevant portion of the additional counter affidavit of the Additional Superintendent of Police, CID, Telangana State, is as follows.

“I respectfully submit that on a perusal of the documentary evidence it is clear that the petitioner has never made any complaint against the 5th respondent or his subordinates either at the time of her remand before the Magistrate, on occasions where she was produced before the Magistrate during the police custody or thereafter. The record

also does not disclose that the petitioner has made any grievance of any abuse to the doctor at the time of her medical examination during the remand proceedings. The record shows that the subsequent bail petition filed by the petitioner also does not whisper with regard to the allegations made in her petition. The record also discloses that the son and the brother of the petitioner were also brought to Hyderabad for the purpose of enquiry by Sri G. Prabhakar the then SI of Police, PS Panjagutta and they were set at liberty without arrest as it was found that their presence is not beneficial for the investigative agency in any manner. The statement of the 5th respondent clearly shows that it's a team of police which has taken up the investigation headed by Sri G. Prabhakar, SI of police and that the allegations made by the petitioner are false and baseless and she made such allegations against the police only to cover up her case. The Investigating Officer Mr. G. Prabhakar, Sub-Inspector of Police, PS Panjagutta, Hyderabad stated that the petitioner has cheated the chit members to a tune of Rs.35,00,000/- and deliberately cheated the poor people in the name of chit business and the innocent public who kept their hard earned money with her had suffered severe loss of money. It is also born by record that the petitioner had collected money in the name of chit and also obtained loans by issuing bonds and blank cheques and subsequently fled away without repaying either the loans or the matured chit amount to the victims."

5. The counter affidavit ultimately states that in view of the enquiry report, statements of the officials and the documentary evidence, it was decided to close the matter.

6. In view of the above sequence of events, no cause of action survives in the Writ Petition and the Writ Petition is, accordingly, dismissed. However, it is always open to the petitioner to take appropriate proceedings, if she is so advised. There shall be no order as to costs.

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

A.
Date: 15.02.2016
Nsr

RAMALINGESWARA RAO, J.