

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.38956 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to issue a writ, order or direction, more particularly one in the nature of writ of *mandamus* declaring the action of the 3rd respondent in registering the crime in F.I.R.No.165 of 2016 on the file of the Hanamkonda Police Station, Warangal District against the petitioner, as illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Home and perused the material available on record.

The learned counsel for the petitioner contends that the 3rd respondent's wife – complainant's wife had passed away on 23-05-2015 at 6.15 AM and the same was not reported to Police Authorities immediately. The complainant's wife set fire and killed herself, because of which the death was lately reported to Police on 24-05-2016 at 10.00 AM and the F.I.R. was filed with a delay of two days. He further contends that in the Dying Declaration of the complainant's wife, she admitted that while she threatening the petitioner, the petitioner poured petrol on her and set fire to her body. Being in the state of severe emotional condition, the complainant's wife suddenly burnt herself with petrol while the complainant was still speaking with the petitioner, her family in the open area in front of the house regarding the marriage. He further contends that the petitioner never abused in filthy language the complainant and his family members on the basis of caste, so the S.C. & S.T. Act does not attract to this case.

The said contentions raised by the learned counsel for the petitioner are to be investigated by the Investigation Officer so as to know whether the contentions of the de facto-complainant are true or the contentions of the petitioner are true. Admittedly, the petitioner's name is mentioned in the Dying Declaration by the deceased concerned.

Hence, this Court is of the view that this is not a stage where this Court can invoke the principles under Article 226 of the Constitution of India to decide truth or otherwise of the allegations in the complaint concerned. Therefore, this Court is not inclined to interfere with the investigation in F.I.R. No.165 of 2016 of Hanamkonda Police Station, Warangal District. Thus, the Writ Petition is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

11.11.2016

skmr