

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.7489 of 2016

ORDER:

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

“The Hon’ble Court in the interest of justice may be pleased to issue a writ of Mandamus to declare the action of the 3rd respondent in not completing the investigation and not filing the final report in accordance with law in the competent criminal court in pursuance of Crime NO.177/2010 dated 18-0-8-2010, as arbitrary, illegal, in violation of Article 14 of the Constitution of India and for extraneous considerations and consequently direct the Respondents, to complete the investigation and file a report before the competent criminal court in Crime No.177/2010 dated 18-08-2010 on the file of the 3rd Respondent forthwith, and to pass such other order or orders as this Hon’ble Court may deems fit just and proper in the circumstances of the case.”

2. Written instructions dated 16.03.2016 were furnished by the Sub-Inspector of Police, Chirala I Town Police Station, Chirala, Prakasam District, to the office of the learned Government Pleader for Home, wherein he stated that upon the petitioner’s complaint against her husband and her in-laws, Crime No.86 of 2004 was registered on the file of Chirala I Town Police Station under Sections 498, 494 and 34 IPC. However, as investigation in the subject offence did not reveal any involvement of accused Nos.4 to 11, their names were deleted along with Section 494 IPC. Accused Nos.1 to 3 were however arrested and remanded to judicial custody. Insofar as accused Nos.1 to 3 are concerned, charge sheet was also laid against them before the competent

criminal court and the case is pending trial in C.C.No.239 of 2004.

3. However, the petitioner was stated to have filed a fresh complaint again on the basis of which Crime No.177 of 2010 was registered under Sections 498A, 494, 420, 323 and 34 IPC on the file of Chirala I Town Police Station. Again, investigation into the said Crime did not reveal involvement of accused Nos.4 to 11 and their names were accordingly deleted along with Sections 420, 494 and 323 IPC. The incidents which form the basis for registration of this Crime also related to the year 2004 and Crime No.86 of 2004 had already been registered in the context thereof. In that view of the matter, as per the directions of the Sub-Divisional Police Officer, Chirala, the case was referred as 'mistake of fact' vide C.No.82/Ref-SDOC/2013, dated 06.02.2013 before the competent criminal court. The notice sent in this regard to the petitioner was stated to have been refused by her and was again sent to her through registered post on 15.03.2016.

4. In the light of the afore-stated developments, it is for the petitioner to avail appropriate remedies in accordance with law if she is aggrieved by the conclusion arrived at by the police authorities in relation to Crime No.177 of 2010 on the file of Chirala I Town Police Station.

Reserving liberty to the petitioner to do so, the Writ Petition is closed. Pending miscellaneous petitions, if any, shall also stand dismissed in the light of this final order. No order as to costs.

March 28, 2016
LMV

JUSTICE SANJAY KUMAR