

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No. 20520 of 2016

ORDER :

The present Writ Petition came to be filed seeking to issue a writ of *mandamus* declaring the action of respondent No.2 in not proceeding with the investigation into crime No.27 of 2016 of Kavali II Town police station, Nellore District, as illegal and arbitrary and direct respondent No.2 to complete the investigation in the aforesaid crime and file final report expeditiously.

2. Heard the learned counsel for the petitioner and the Assistant Government Pleader for Home for the State of Andhra Pradesh appearing for respondents 1 and 2. At the request of both the counsel, the Writ Petition itself is taken up for disposal at the stage of admission. Since this court is not going into merits of the case, it may not be necessary to hear respondent No.3

3. Though various grounds are raised in the Writ Petition, learned counsel for the petitioner submits that though the aforesaid crime was registered on 29.03.2016, till date there is no progress in the investigation, and hence, seeks a direction to police to complete investigation and file final report within a period of 3

months. The same is disputed by the learned Assistant Government Pleader stating that the aforesaid crime was registered for the offences punishable under Sections 323 of the Indian Penal Code, 1860 ('IPC') and 3 (1) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('the Act' 1989'), which has to be investigated into, by the Deputy Superintendent of Police concerned, and as the police are investigating into the matter, final report would be filed as soon as the investigation is completed.

4. As seen from the material on record, the aforesaid crime was registered on 29.03.2016 for the offences punishable under sections 323 IPC and 3 (1) (r) of the Act, 1989 which has to be investigated into by a police officer not below the rank of Deputy Superintendent of Police. Therefore, the request of the petitioner to direct the police to file charge sheet within a period of 3 months, cannot be accepted. However, having regard to the circumstances of the case, respondents-Police are directed to complete investigation in the aforesaid crime and file a final report, in accordance with law, as early as possible.

5. With the aforesaid direction, the Writ Petition is disposed of. Miscellaneous petitions pending, if any, in the Writ Petition shall stand closed in the light of this final

order. No order as to costs.

C.PRAVEEN KUMAR, J

27.06.2016

DRK

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