

**HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE U. DURGA PRASAD RAO**

WRIT PETITION NO.27987 OF 2016

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ORDER: (per Hon'ble the Acting Chief Justice)

Heard Sri Metta Chandra Sekhar Rao, Learned Counsel for the petitioner, and the Learned Government Pleader for Home and, with their consent, the Writ Petition is disposed of at the stage of admission.

While a mandamus is sought to declare the proceedings of the A.P. Human Rights Commission in HRC. No.3343 of 2016 dated 26.07.2016 illegal, Sri Metta Chandra Sekhar Rao, Learned Counsel for the petitioner, would submit that it would suffice if this Court were, instead, to direct the Court of the II Additional Judicial First Class Magistrate, Eluru West Godavari District, before whom a private complaint in S.R. No.2301 dated 18.05.2016 has been filed, to examine the said complaint independently on its own merits, without being influenced by the observations made by the State Human Rights Commission in its order dated 27.07.2016.

In its order dated 26.07.2016, the A.P. Human Rights Commission merely stated that, as the petitioner was arrested in connection with the case in Cr. No.33 of 2016 of Eluru III Town Police station and produced before the Court to be sent to judicial custody, it was an opportunity for the petitioner to represent before the Court concerned making a complaint against the police concerned that he was subjected to custodial violence; and there was no justification in the complaint that there was commission of violation of Human Rights by the police concerned. On the ground that no action was required, the petition was closed.

The petitioner claims to have filed a private complaint. It goes without saying that the said private complaint would be examined by

the Magistrate concerned on its own merits uninfluenced by any observations made by the State Human Rights Commission in its order in HRC No.3343 of 2016 dated 26.07.2016. We, however, make it clear that we have not expressed any opinion on the truth or otherwise of the contents of the private complaint filed by the petitioner in S.R. No.2301 of 2016 dated 18.05.2016.

The Writ Petition stands disposed of accordingly. The miscellaneous petitions pending, if any, shall also stand disposed of. No costs.

RAMESH RANGANATHAN, ACJ

Date: 22.8.2016

U. DURGA PRASAD RAO, J

MRKR