

THE HON'BLE SRI JUSTICE S.V.BHATT

W.P.NO.8719 OF 2013

O R D E R

No representation for petitioner.

Petitioner prays for following relief:

“Writ of mandamus declaring the action of 3rd and 4th respondents in confining the petitioner in the Station of the 3rd respondent for four days i.e., 24-09-2012 to 27-09-2012 without their being any case or cause against the petitioner, as illegal, arbitrary and also opposed to all canons of justice and consequently direct the 1st and 2nd respondents to enquire into the matter about the illegal confinement of the petitioner under the due influence of the respondents 5 to 15 herein with regard to illegal confinement of the petitioner by the 4th respondent by taking action against the 4th respondent as well as against the respondents 5 to 15 herein.”

I have gone through the writ affidavit. The grievance of the petitioner is that respondents 2 and 3 are not examining the issue and harassing him.

The learned Assistant Government Pleader for Home, basing on written instructions dated 25.3.2013 submits as follows:

“It is respectfully submitted that the facts of the case are that one Smt. Kanaka Laxmi, w/o Balayya, resident of Dharmaram (B), village, Dichapilly Mandal – 5th respondent herein had approached the police of Dichapilly Police Station on 24.09.2012 stating that on the early hours of 24.9.2012, while her husband without locking the main door of her house went to nature calls and slept in the house an unknown offender came to her house and snatched away her mangalasutra weighing about 2 tulas and that though raised hue and cries about the thief, in vain and hence requested the police to take necessary action as per law.

Based on the contents of the above complaint, a case in Cr.No.202/2012 U/Sec. 380 IPC was registered on the file of Dichapilly Police Station on 24.09.2012 and investigation was taken up.

It is respectfully submitted that during the course of investigation, this respondent being the investigating officer examined the complainant – 5th respondent and other witnesses and recorded their detailed statements. It came to light during the investigation, that the accused Mr. Kalyan Pawar and Santosh Sinde of Maharashtra State had committed the offence in the said crime and they were arrested in Cr.No.119/2012 U/Sec. 457 and 380 IPC of Navipet Police Station, Nizamabad District on 24.12.2012. They confessed to have committed the offence in Cr.No.202/2012. Accordingly, they were produced

before the Hon'ble Court of II Additional Judicial First class Magistrate at Nizamabad on obtaining PT warrant.

It is respectfully submitted that the investigation in Crime No.202/2012 was completed and accordingly charge sheet was also filed before the Hon'ble Court of II Additional Judicial First Class Magistrate at Nizamabad on 8.1.2013 and the same was taken on file by the Hon'ble Court vide C.C.No.82/2013.

It is respectfully submitted that the said case was nothing to do with the petitioner.

It is respectfully submitted that at the influence of the unofficial respondents 5 to 15, this respondent illegally detained him for four days i.e., from 24.9.2012 to 27.9.2012 without there being any case, is absolutely false, baseless and hence the same is denied.”

The above statement is placed on record.

Writ petition is disposed of accordingly. No costs.

Miscellaneous petitions pending if any, shall stand closed.

DATE:26—04—2017
AVS



S.V.BHATT,J