

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 6486 of 2017

Date : 3.3.2017

Between :

S Anil Kumar s/o Lt Col S.Mallaiah
R/o 6-3-609/20
Flat No.1
Madhura Apartment , Anandnagar, Hyderabad

Petitioner

And

Special Chief Secretary to Govt
Panchayat Raj and Rural Development (Vig.II/A1) Department
Government of Telangana at Hyderabad and others

Respondents

The Court made the following:



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ORAL ORDER:

Petitioner was removed from service. He challenges the memo dated 30.8.2016 whereby, Government referred the case to CBCID for further investigation and accordingly authorized the District Collector and Magistrate, Khammam to lodge a comprehensive complaint with the CID. Petitioner challenges the orders on the ground that if crime is registered against him, it would cause grave prejudice to him and he would be harassed and humiliated.

Learned counsel for petitioner further contended by referring to averments made in the affidavit filed in support of the writ petition that in the event of registering of the crime, vindictively, petitioner may be arrested causing hardship and suffering.

A bare perusal of the order impugned, it is seen that it only expresses the decision of the Government for the reasons stated therein, to refer the issue to CBCID for investigation and authorized the District Collector, Khammam to file a complaint before the police. As of now, even according to learned counsel for petitioner, no complaint is lodged. If it comes to the notice of the Government that grave illegalities are committed by public servant, ordering an enquiry by CBCID cannot be faulted. In the circumstances, I do not see any error in the Government taking a decision to refer to CBCID for investigation and directing its subordinate to file complaint before the police. Once a complaint is lodged, investigation has to be conducted and appropriate further proceedings in accordance with law would be taken up. Petitioner has adequate remedies available in law against arrest and detention and if he is aggrieved against registering of the crime and conducting of the investigation. Thus, at the preliminary stage, even before a crime is registered, on the ground that petitioner would be subjected to hardship in the event of registering crime,

Court cannot interject the decision of the Government. Thus, leaving it open to the petitioner to work out his remedies as available in law as and when a crime is registered, the writ petition is dismissed. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 3.3.2017
TVK



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