

WRIT PETITION No.27857 of 2017

ORDER :

This Writ Petition is filed under Article 226 of the Constitution of India, seeking the following relief:

“...to issue a Writ, Order or direction more particularly one in the nature of Mandamus, declaring the action of the 3rd respondent police in not sending the petitioner as well as the 4th respondent including her son to DNA Test since 2014 onwards till today calling to police station nearly more than 200 times in connection with Crime No.272/ 2013 on the file of the 3rd respondent police station and without sending to the DNA test though the false complaint filed by the 4th respondent claiming that the church land running by the petitioner under the name 'A.N.A.N.D.P.A.U.L.T.R.U.S.T. (Tribal Charitable Trust) in spite of court orders and in spite of petitioner's representation dt.12.06.2014 is illegal and void and opposed to Article 14, 19 and 21 of Constitution of India and consequently to quash the Crime No.272/2013 pending before the 3rd respondent police or to direct the respondent police to send the petitioner as well as 4th respondent and her son to DNA test by giving a clear notice without wasting valuable time of the petitioner and to pass such other order or orders as this Honourable Court may deem fit and proper in the circumstances of the case.”

Heard the learned counsel for petitioner of Crime No.272 of 2013 of Bhadrachalam Town Police Station, Khammam District, registered for the offences punishable under Sections 420 and 506 I.P.C. and the learned Government Pleader for Home appearing for respondent Nos.1 to 3, before ordering notice to respondent No.4.

It is, undisputedly, there was a direction for D.N.A. examination at the instance of the petitioner, so called accused of the crime supra and the Court ordered the same. However, there are rival contentions of the writ petitioner saying he was calling to the police station and making to sit under that guise and not complying with the order.

Whereas, it is the submission of the learned Government Pleader for Home from the written instructions that even the de facto complainant and her son are coming to the Court to comply with the order, the petitioner is not attending.

Having regard to the above, the Writ petition is disposed of directing the parties and the learned Magistrate concerned to fix a date for their appearance to send them for D.N.A. examination.

The Registry is directed to send a copy of this order to the learned Magistrate concerned for compliance.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 06.09.2017

Note:

Issue C.C. tomorrow.

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HON' BLE Dr. JUSTICE B. SIVA SANKARA RAO

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DATE:06.09.2017



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