

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.32224 OF 2012

O R D E R :

The case of the petitioners is that the 1st petitioner is a resident of SC Colony, Burgampad of Khammam District and that her son namely Y.Nagaraju fell in love with one Barla Sarala who is residing opposite to her house. While so, on 27.04.2012 at about 10.00 pm. the said Sarala came to the petitioners' house and taken shelter for that night and went to her house next day morning, but, her parents did not allow her in their house and 'panchayathi' was conducted by the caste elders for that issue. During the said 'panchayathi' parents of Barla Sarala have demanded an amount of Rs.1 lakh from the petitioners for compensating the stay of their daughter in petitioners' house. But, the 1st petitioner did not agree for paying the same. On 28.04.2012, 1st petitioner's son Nagaraju and the said Sarala married in Krishna Temple at Burgampad without consent of their parents. But, the 1st petitioner after marriage invited them and completed next formalities. On 29.04.2012 at 9.00 a.m., Barla Mutyalu, Barla Rajesh, Barla Sureedu, Barla Kanakadurga, Barla Nagamani and Putti Nagaiah along with followers entered petitioners' house and had beaten the 1st petitioner and her husband and also kidnapped petitioner's son. Thereafter, the 1st petitioner was informed about the murder of her son and found the dead body of her son in the river bank. Thereafter, the 1st

petitioner rushed to the 4th respondent and filed a complaint against the culprits for taking necessary action. But, the respondent police have not taken any action against the culprits even after considerable period. The 1st petitioner with great difficulty obtained FIR copy wherein it is found that the police registered case under Sec.174 Cr.P.C instead of registering under Sec.302, 359 & 506 IPC. After coming to know about the fraud played by the police, the 1st petitioner sent a representation to the respondent police through registered post and the same was received by the 1st and 2nd respondents. As no action is being taken on the said representation, present writ petition is filed.

The 4th respondent filed counter affidavit stating that the 2nd petitioner who is the son of 1st petitioner has lodged a complaint on 29.04.2012 with the S.H.O, Burgampahad P.S, Khammam District stating that his brother Nagaraju was in love with Barla Sarala who is residing in front of his house; that after knowing the love affair, parents of the girl warned his brother; and that later talks were held and performed the marriage of Nagaraju and Sarala on 28.04.2012. It is also stated that on 29.04.2012 at about 10.00 a.m. the complainant's brother i.e. Nagaraju left the house and after some time they came to know that Nagaraju is found dead by hanging in the fields near Kinnerasani river. As per the aforesaid complaint a case in Crime No.72/2012 under

Section 174 Cr.P.C. was registered on 29.04.2012 and took up investigation. During the course of investigation, complainant was examined and his statement was recorded in detail. Later the police visited the scene of offence, secured the presence of mediators, observed the scene and drafted crime details form in the presence of two panchas and later held Inquest over the dead of the deceased in the presence of two mediators and got the body photographed, subjected the body to Post-mortem examination by the Medical Officer, Government Hospital at Burgampad and examined and recorded the statements of the witnesses in detail. It is further stated that the Medical Officer, Government Hospital, Burgampad who conducted Post-mortem on the body of the deceased, opined that the cause of death is due to hanging; that the girl whom the deceased married is major as per the date of birth certificate issued by the Head Master, Girl's High School, Burgampad and that no foul play has been suspected in this case. It is also submitted that while the investigation was in progress, the 1st petitioner has sent a representation dated 30.06.2012 through post, which was received on 07.07.2012 to direct the SHO, Burgampahad P.S to take action against the culprits who are responsible for the murder of her son. It is further mentioned in the representation that the SHO registered crime No.72/2012 under Section 174 Cr.P.C, dated 29.04.2012 instead of registering the same under Section 302, 359, 506 IPC. It is also submitted that

based on the representation, the then Investigating Officer has enquired about the involvement of Barla Muthyalu, Barla Rajesh, Barla Nagamani, Barla Kanaka Durga and Putti Nagaiah for the murder Y.Nagaraju which revealed that Barla Muthyalu is father and Barla Rajesh is brother of Barla Sarala and the above said persons are not responsible for the death of the said Nagaraju. It was further revealed that, in the complaint of the 2nd petitioner he did not mention the names of above said persons as suspect, hence, Sections 302, 359, 506 IPC are not applicable in the case as alleged in the affidavit of the petitioners. It is further submitted that after completion of investigation in the above crime and after obtaining permission from the Assistant Superintendent of Police, Kothagudem, to refer the case as suicidal Death by hanging due to family disputes, final report was filed before the Mandal Executive Magistrate, Burgampahad on 24.01.2013, duly serving a notice on the complainant. The other allegations made by the petitioners in the affidavit are denied.

Heard learned counsel for the petitioners.

Learned Assistant Government Pleader for Home submits that after proper investigation the Sub Inspector of Police found the death as 'suicidal death by hanging' due to family disputes as such he sought permission from the Asst. Superintendent of Police, Kothagudem to refer the case

as 'Suicidal death by hanging' and after receipt of referral orders the Sub Inspector of Police submitted final report in Crime No.72/2012 before the Mandal Executive Magistrate, Burgampad on 24.01.2013. He also submits that the representation filed by the 1st petitioner was also disposed of.

The prayer in this writ petition is that there is no proper investigation by the respondents 1 and 2 though the 1st petitioner submitted representation dated 30.06.2012 for proper investigation and no action is being taken on the said representation.

Though, in the counter it is specifically stated that there is no fault in referring the case as 'suicidal death by hanging', no reply affidavit is filed by the petitioners disputing the same.

In this case it is to be seen that the representation of the petitioner dated 30.06.2012 was referred to 3rd respondent and the 3rd respondent after thorough enquiry and examining the entire material, issued proceedings dated 22.05.2013 stating that it is a suicidal death by hanging and that there is no need to proceed further in this case.

In view of the aforesaid facts and circumstances, the grievance of the petitioners stood redressed by proceedings dated 22.05.2013. Hence, no further direction is required to be issued in this writ petition. Accordingly, the writ petition is

disposed of. However, this order will not prevent the petitioners from availing remedies as may be available to them under Law. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

12.06.2017
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