

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.38134 of 2017

ORDER:

Heard Mr.Pundareekakshudu, counsel for the petitioner and Assistant Government Pleader for Home.

The defacto complainant in Crime No.91 of 2015 dated 26.02.2015 is the writ petitioner. The writ petitioner is a Hindi teacher working in Z.P.High School, Bachupally Chandanagar, Serilingampally Mandal, Ranga Reddy District. On the complaint given by petitioner against Head Mistress of the school, senior assistant and a few other associated with school, Crime No.91 of 2015 dated 26.02.2015 was registered. On 24.03.2016, the 3rd respondent filed charge sheet.

The petitioner filed CrI.M.P.No.1129 of 2016 protesting against the exclusion of a few named in the FIR from the charge sheet. The learned Magistrate through communication dated 28.10.2016 called upon the 3rd respondent to further investigate the case, file report along with case record on or before 29.12.2016. The 3rd respondent on 18.08.2017 filed report and the operative portion reads thus:

“During the further course of investigation it is revealed that, the petitioner was a Hindi Pandit at ZPHS Bachupally Village and he was irregular to his school, as such the Head Mistress Smt N.C.Vijaya Laxmi was told him several times to be regular to the school. He kept words in his mind. One day the petitioner misbehaved with his colleague teacher Athiya Sultana viz., A-1 accompanied with A-2 obstructed his law full duties, slapped him in the school premises. On that, the petitioner intentionally included his head mistress and Sunita teacher’s name along with other accused persons in his petition. But there is no evidence that, the head Mistress abused the petitioner on the name of caste, further leading the youths who assaulted the petitioner is also not correct as all the witnesses viz., colleague teachers and 9th class students examined, they never revealed that, the head mistress and Sunita teacher led the youths to assault him. At the time of incident the head mistress and Sunitha teacher were in their class class rooms and were teaching the students. Further in his petition he mentioned the names of (4) ex-students as 1.Praveen Reddy 2. Vinod 3.Prashant and 4.Srikanth. If these four students were witnesses he would have been mentioned in his earlier petition filed the SHO Dundigal. He did not mention these four ex-students name in his complaint filed before the SHO Dundigal but now mentioning is after thought which cannot be taken into consideration. As alleged by the petitioner, all the witnesses LWs-2 to 9 never told the involvement of Head Mistress Smt N.C.Vijaya laxmi and Sunitha teacher in the incident. Thus the earlier charge sheet filed stands correct good after reinvestigation I am here with submitting my report.”

At this stage, it is convenient to refer to writ prayer which reads thus:

“.....Writ of Mandamus to declare the inaction of the 3rd respondent/Asst Commissioner of Police, Pet Basheerabad, Cyberabad in conducting further investigation in Cr.No.91/2015 of P.S.Dundigal, Cyberabad Division as directed by the VI Metropolitan Magistrate, Cyberabad at Medchal at Rangareddy District vide Lr.Dis.No.1359/2016, dated 28.10.2016 as illegal, arbitrary and violation of Criminal Procedure Code, 1973 as well as violation of principles of natural justice and quash the 2nd charge sheet dated 18.08.2017 filed by the 4th respondent and consequently direct the 2nd respondent to permit the 3rd respondent to conduct further investigation in Crime No.91/2015 of P.S.Dundigal, Cyberabad Division as directed by the VI Metropolitan Magistrate, Cyberabad at Medchal at Rangareddy District vide Lr.Dis.No.1359/2016, dated 28.10.2016.....”

From the reading of the writ prayer, it can be held that the petitioner is complaining against inaction of 3rd respondent in conducting further investigation as directed through letter dated 28.10.2016 and also seeks quashing of charge sheet dated 18.08.2017.

The Assistant Government Pleader by relying on the documents filed by petitioner submits that there is substantial compliance with the communication dated 28.10.2016 of Magistrate and the inaction canvassed in the writ petition is without merit. He further submits that the

petitioner as not satisfied with the report dated 18.08.2017 and invoked the jurisdiction of this Court with a prayer on inaction, also for setting aside the report dated 18.08.2017, such procedure is unsustainable and illegal. The PRC is already pending. Therefore he contends that the grievance of the petitioner, if any, can be canvassed before the Court of competent jurisdiction within the four corners of law.

This Court, is in agreement with the contentions canvassed by respondents, does not wish to reiterate, to save time and space in the order.

Writ petition is dismissed, accordingly. The petitioner is given liberty to work out remedies against the report dated 18.08.2017 in the manner known to law. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

Dt: 14.11.2017
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S. V. BHATT, J

