

THE HON'BLE SRI JUSTICE P.KESHA VA RAO

WRIT PETITION NO. 28348 OF 2015

ORDER:

1. Heard the learned counsel for the petitioner, learned Government Pleader appearing for respondent Nos. 1 to 3 and learned Government Pleader appearing for respondent Nos. 4 and 5.

2. The prayer sought in the Writ Petition is as under:

“....to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the inaction on the part of respondents on the petitioner complaint dated 06.05.2015 submitted to register a case against the offenders of Ommevaram Village who excommunicated/expelled the petitioner and his family from the village as illegal, irregular, irrational amounts to non discharge of legal obligation conferred on them under the provisions of Code of Criminal Procedure, 1973, Protection of Civil Rights Act, 1955 and offends Articles 14, 17 and 21 of Constitution of India and consequently direct the 3rd respondent to register the crime and prosecute the accused persons for appropriate offences and penal provisions of law.”

3. The grievance of the Writ Petitioner is that in spite of filing a complaint dated 6.5.2015, respondent No.3 failed to register a case against the offenders of Ommevaram village who excommunicated him and his family members from the village.

4. Respondent No.3 filed a counter affidavit stating that the respondent No.3 Police Station has not received any complaint dated 6.5.2015 alleged to have been submitted by the petitioner. In fact, the petitioner submitted a representation on 23.3.2015 to the District Collector, Prakasam district stating that he belongs to SC Madiga community and living by doing stitching of seat cover to Motor Cycles. One M.Bujji and others were doing chit business and

the petitioner joined in the chit business. It is further stated in the said representation that he made a complaint to respondent No.3 P.S. stating that the said M.Bujji abused him in filthy language along with others and threatened him with dire consequences. The District Collector, Prakasam district forwarded the said representation to the Sub-Divisional Police Officer, Ongole vide proceedings dated 27.3.2015 and the same was endorsed to the Inspector of Police, Ongole, Rural Circle who in turn forwarded the same to respondent No.3 for necessary action. Pursuant to the said complaint, respondent No.3 enquired into the same and submitted a report to the District Collector through proper channel stating that the Sub Inspector of Police secured the presence of the petitioner and the said persons and recorded their detailed statements. The said persons have voluntarily stated that the petitioner joined the chit and took chit amount and avoided to pay the monthly chit amount. They have also stated that they have not abused the petitioner in filthy language and none of them tried to send the petitioner from the village. In fact, the petitioner submitted a false representation to the District Collector against the said persons to avoid payment of chit amount. In fact, respondent No.3, on 23.10.2015 sent a requisition to the Court of learned Judicial Magistrate of First Class, Excise Court, Ongole, Prakasam district by describing the entire episode of the petitioner seeking issuance of proceedings under Section 155 Cr.P.C. where upon the learned Magistrate, vide proceedings Dis.No.1319 dated 23.10.2015 permitted to register a criminal case against the accused i.e., the petitioner for the offence under Section 182 IPC. Accordingly, a

case in Cr.No.73 of 2015 under Section 182 IPC has been registered on 24.10.2015 against the petitioner on the file of respondent No.3 P.S. In fact, after investigation, appropriate report will be filed before the learned Magistrate.

5. Respondent No.5 has also filed a counter affidavit similar to the counter affidavit filed by respondent No.3.

6. The petitioner filed a reply affidavit denying the material averments made in the counter affidavits filed by the respondents.

7. Having heard both the counsel and from the perusal of the material on record, it is revealed that though the petitioner has stated in the affidavit that he submitted a complaint dated 6.5.2015, the affidavit is silent as to before which authority, the complaint is submitted. Further, on the report submitted by respondent No.3 and on the instructions of the learned Judicial Magistrate of First Class, Excise Court at Ongole, Prakasam district, a case in Cr.No.73 of 2015 under Section 182 IPC has already been registered against the petitioner which is pending consideration.

8. In view of the said fact, this Court is of the opinion that no further cause would survive in the Writ Petition.

9. Accordingly, the Writ Petition is dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

P. KESHA VA RAO,J

Date: 22.11.2018

KPM