

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.10144 of 2018

ORDER:

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

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon’ble Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the 2nd respondent in completing the investigation and filing charge sheet against the respondents 3 to 6 and prosecuting them in accordance with law inspite of registration of a F.I.R.No. 158 of 2017 dt. 28-07-2017 as illegal, arbitrary and violates fundamental rights guaranteed under Article 14 and 21 of the Constitution of India and consequently direct the 2nd respondent to complete the investigation and file a charge against the respondents 3 to 6 in accordance with the law by conducting proper investigation and pass such other or further orders.”

(Reproduced verbatim)

2. I have heard the submissions of Sri T.V.S.Kumar, learned counsel appearing for the petitioner, and of the learned Government Pleader for Home (A.P.) appearing for the respondents 1 & 2. I have perused the material record.

3. Learned counsel for the petitioner, while reiterating the contents of the writ petition, would submit that the police are not completing the investigation into the subject crime and are not filing the final report by following the procedure established by law.

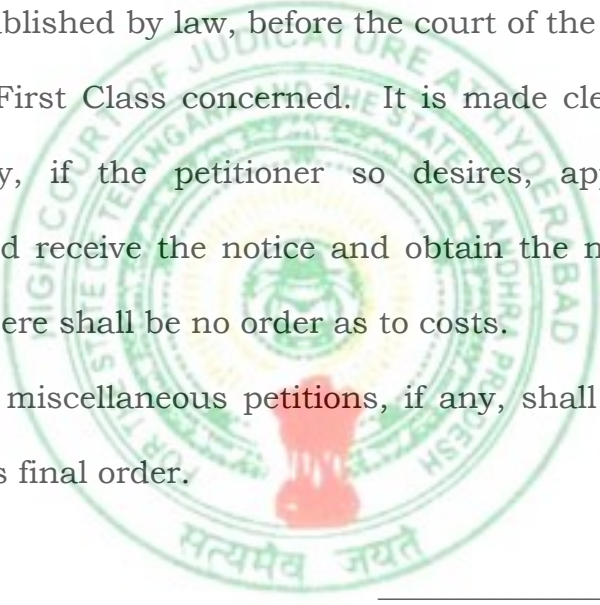
4. Learned Government Pleader for Home, on written instructions, would submit that investigation is completed and that on investigation, the Police Officer concerned arrived at an opinion that the case is to be referred as a false case and that the police are intending to do so after serving a Referred Case notice on the first

informant and that on serving such notice, final report would be submitted to the Court of the learned Magistrate concerned.

5. Learned counsel for the petitioner, in reply, would submit that as on today, no Referred Case notice was served on the writ petitioner.

6. Recording the submissions, the Writ Petition is disposed of directing the 2nd respondent – Station House Officer, Sidhout Police Station, Sidhout, Y.S.R. Kadapa District, to duly serve Referred Case notice on the writ petitioner and file a final report, by following the procedure established by law, before the court of the learned Judicial Magistrate of First Class concerned. It is made clear that the writ petitioner may, if the petitioner so desires, approach the 2nd respondent and receive the notice and obtain the necessary papers as per law. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.



M.SEETHARAMA MURTI, J

Date: 28th March, 2018

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