

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.10544 of 2018

ORDER:

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

“..to issue a Writ, Order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the inaction of the Respondent No.4 is not altering the sections in FIR No.331 of 2017 dated 20-05-2017 without following the due process of law, as illegal, irregular, arbitrary violative of the provisions of the Code of Criminal Procedure, 1973 and offends article 14 of Constitution of India and consequently direct the Respondent No.2 and 3 to alter the sections in FIR No.331 of 2017 dated 20.05.2017 and pass such other orders or order as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. I have heard the submissions of the learned counsel for the petitioner and of the learned Government Pleader for Home (A.P.) appearing for respondents 1 to 4. I have perused the material record.

3. Learned counsel for the petitioner would submit that the fourth respondent, who is investigating into the case in Crime No.331 of 2017, is not altering the Section of law by following the due process of law, and therefore, the writ petition is filed.

4. The learned Government Pleader for Home, on written instructions, a copy of which is placed on record, would submit that the crime was registered under Section 174 of the

Code of Criminal Procedure, 1973, and investigation is taken up by the Sub Inspector of Police, Patamata Police Station, Vijayawada City; that so far nine witnesses were examined and their detailed statements were recorded; that the post-mortem report, dated 21.05.2017, furnished by the doctor concerned discloses no anti-mortem injuries on the body of the deceased; that the report, dated 13.07.2017, of the RFSL, Vijayawada, also does not show any presence of poisonous substance in the viscera; that the medical officer, who conducted autopsy over the body of the deceased, in his final opinion, dated 21.07.2017, has opined that the cause of death could not be given due to decomposition; that the Investigating Officer has sought for clarification from the Medical Officer, on 28.08.2017, and the same is awaited; that the police officer would follow the due process of law and take appropriate decision in the matter before filing the final report and that he would file the final report, after completing the investigation.

5. In reply, the learned counsel for the petitioner would submit that the police officer, who is investigating into the crime, may be directed to consider the representation, dated 26.12.2017, of the petitioner, before filing the final report.

6. Recording the submissions, the writ petition is disposed of directing the fourth respondent to expedite the investigation into the above crime and file final report before the Court of the learned Magistrate concerned, after duly

considering the contents of the aforestated representation of the petitioner, and following the procedure established by law.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M. SEETHARAMA MURTI, J

Date: 09.04.2018

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