

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.11016 of 2018

ORDER:

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

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased issue an order, direction particularly one in the nature of Writ of Mandamus or any other appropriate writ(i) declaring the inaction of the 5th respondent Police in not registering FIR on the complaint given on 14-02-2018 by the petitioner’s son and not taking any action against the culprits, under the provisions of Cr.P.C. is illegal improper arbitrary, violating the constitutional rights and natural justice, and consequently direct the respondents No.1 to 5 to register FIR on the culprits as per his son’s complaint dated 14-02-2018 and further direct the respondent No.1 to 4 to take necessary action as per his complaint dated 24-02-2018 by initiating departmental as well as criminal action against the respondent No 6 and 7 and all their supporters who involved in this regard while directing the respondent No.2 and 3 to monitor the case as special until getting justice to the petitioner and not pouring any threats by any corner, and to pass such other order or orders as this Hon’ble Court may deems fit just and proper in the circumstances of the case.”

2. I have heard the submissions of Sri *G.L.Narsimha Rao*, learned counsel appearing for the petitioner, and of the learned Government Pleader for Home (Telangana) appearing for the respondents 1 to 5. I have perused the material record.

3. When, on the previous date of hearing, learned Government Pleader for Home (Telangana) submitted that a crime has been registered pursuant to a complaint, dated 16.02.2018, given by the father of the deceased, who is the petitioner herein, the learned counsel for the petitioner pointed out that the deceased lodged a

report, dated 14.02.2018, at 11.00 hours and that on that report, no crime has been registered. Therefore, the learned Government Pleader, having sought time for instructions, now makes a submission today that on the next day of lodging the report i.e., on 15.12.2018, the son of the petitioner died and that on 14.02.2018 at 11.00 hours, when the report was received from the deceased, an entry was made in the General Diary of the Police Station and that in view of the death of the petitioner's son, the petitioner lodged a fresh report, dated 16.02.2018, and that on that report, Crime No.22 of 2018 was registered under Section 174 of the Code of Criminal Procedure, 1973, on the file of the Rayaparthi Police Station, Warangal Commissionerate, and the investigation in the said crime is in progress.

4. In view of the said submissions of the learned Government Pleader for Home, learned counsel for the petitioner would submit that if a direction is given to the Investigating Officer to consider the contents of the report lodged by the deceased, on 14.02.2018, while investigating into the afore-stated crime, the truth will be unearthed.

5. Having regard to the facts and submissions, the Writ Petition is disposed of directing the Station House Officer, Rayaparthi Police Station, Warangal Rural District, 5th respondent herein, to complete the investigation into the afore-stated crime expeditiously and file a final report, by strict adherence to the procedure established by law, however, after considering the contents of the report, dated 14.02.2018, while investigating into the said crime. However, it is made clear that insofar as the report, dated

24.02.2018, in which a relief of initiation of departmental action against the official respondents and criminal action against the unofficial respondents was said to have been sought, liberty is reserved to the petitioner to file a fresh representation before the Commissioner of Police, Warangal Rural District, Warangal, 3rd respondent herein, as the learned Government Pleader for Home submits that no such complaint, dated 24.02.2018, is received. It is made clear that in the event the petitioner submits any such representation, the Commissioner of Police, Warangal Rural District, at Warangal, 3rd respondent herein, shall dispose of the same and communicate the decision taken thereon to the petitioner within a period of two (02) weeks after taking such decision. 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: 11th April, 2018

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