

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.11233 of 2018

ORDER:

In this Writ Petition, under Article 226 of the Constitution of India, the petitioner seeks a declaration that the action of the 2nd respondent in not arresting the accused in case in Crime No.338 of 2017, on the file of Mellachervu Police Station, Mellachervu Mandal, Suryapet District, and not obtaining permission orders as illegal, arbitrary and contrary to law and further requests to direct entrustment of the investigation into the afore-stated crime to the 3rd respondent, Additional DGP of Police (CBCID), O/o. DGP of Police, Hyderabad, *inter alia* stating that the Police Officer, who is presently investigating into the case is not investigating on correct and proper lines and has not completed the investigation even though the crime is registered in the month of October, 2017.

2. I have heard the submissions of Sri K.Joseph, learned counsel appearing for the petitioner, and of the learned Government Pleader for Home (Telangana) appearing for the respondents 1 to 3. I have perused the material record.

3. Learned counsel for the petitioner would submit that the petitioner approached the Sub-Divisional Police Officer, Kodad, and the Superintendent of Police, Suryapet, but there is no response from the said Police Officers despite complaining that the 2nd respondent – Station House Officer, Mellachervu Police Station, Mellachervu, Suryapet District, is acting negligently and is colluding with the accused.

4. Learned Government Pleader for Home, on written instructions, dated 04.04.2018, a copy of which is placed on record, would submit that the investigation so far conducted did not make out a *prima facie* case and that, therefore, the Investigating Officer is further investigating into the matter for collection of further evidence for further course of action and that he is conducting investigation impartially and that except the petitioner and his father, no other witnesses are produced for examination by the Investigating Officer to support the version in the report and that the Investigating Officer will complete the investigation and file a final report, by following the procedure established by law.

5. Having regard to the facts and submissions, this Court is of the considered view that this writ petition can be disposed of with appropriate directions.

6. In the result, the Writ Petition is disposed of reserving liberty to the petitioner to submit a detailed written representation within a period of two (02) weeks from the date of receipt of a copy of this order to the Superintendent of Police, Suryapet District, with the necessary requests for consideration. It is made clear that in the event the petitioner submits any such representation, the said superior Officer shall take a considered decision in the matter after examining in detail the CD file related to the case in afore-stated crime. 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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