

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.12153 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 all the reasons stated above, it is therefore prayed that this Hon’ble court may be pleased to issue an order or direction more particularly one in the nature of writ of Mandamus or any other appropriate writ:

- (i) declaring the act of respondent No.3, SHO PS Kalwakurthy for not taking the action against the complaint dated 15-03-2018 and pressurizing the petitioner to compromise with the owner of SRI SAI PARA BOILED MILL named Gubba Venkatesh regarding complaint dt:14-03-2018 as illegal, arbitrary and violation of Article 21 of Indian Constitution.**
- (ii) And direct the Respondent No.3 SHO PS Kalwakurthy not to pressurize the petitioner to compromise with the owner of SRI SAI PARA BOILED MILL named Gubba Venkatesh pertaining to the complaint dated 14-03-2018.**
- (iii) And direct the Respondent No.2 Superintend of Police of Nagerkarnool District to investigate into the complaint dated 15-03-2018 made by the petitioner and take action against the owner of SRI SAI PARA BOILED MILL named Gubba Venkatesh and others as per law.**
- (iv) And direct the Respondent No.2 & 4 Superintend of Police of Nagerkarnool to take legal and disciplinary action against the SHO PS Kalwakurthy for pressurized the petitioner to compromise regarding the complaint dated 14-03-2018.**

And pass such other order or orders as may be deemed fit and proper in the circumstances of the case.”

2. I have heard the submissions of Smt *Yakarapu Sheelu*, learned counsel appearing for the petitioner, and of the learned

Government Pleader for Home (Telangana) appearing for the respondents 1 to 4. I have perused the material record.

3. At the hearing, learned counsel for the petitioner would submit that in view of the complaint lodged by the petitioner, the petitioner is being pressurised to compromise with the persons named as accused in the complaint of the petitioner; that as a counterblast, a crime is registered against the petitioner at the instance of the accused in the crime, which was registered pursuant to the complaint of the petitioner; that the Station House Officer, Kalwakurthy Police Station, Nagarkurnool District, is not conducting a fair and proper investigation into the crimes and that, therefore, the present writ petition is filed. He would also submit that the Superintendent of Police, Kalwakurthy, Nagarkurnool District, 2nd respondent herein, may be directed to take over the investigation into the crimes registered at the instance of both parties.

4. Learned Government Pleader for Home, on written instructions, dated 10.04.2018, a copy of which is placed on record, would submit that on the complaint of one Balaiah Sama, a case in Crime No.59 of 2018 was registered, on 15.03.2018, at 9.00 hours by the Station House Officer, Kalwakurthy Police Station, Nagarkurnool District, for the offences punishable under Sections 324, 504, 34 of Indian Penal Code, 1860, read with Section 3(1) (s) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, against Venkatesh Gubba, Sunil Kumar & Lava Kumar; that another case in Crime No.60 of 2018 was registered, on 15.03.2018 at 10.00 hours, by the said

Police Officer for the offences punishable under Sections 448, 323, 504, 506 read with 34 of Indian Penal Code, 1860, on the complaint of one Venkateh Gubba against the petitioner herein and others; that the investigation into the said crimes is in progress; that the Crime No.59 of 2018 is being investigated into by the Sub-Divisional Police Officer, Kalwakurthy; that some more witnesses are to be examined in the said crime; that insofar as the Crime No.60 of 2018, the Station House Officer, Kalwakurthy Police Station, Nagarkurnool District, examined the informant and recorded his detailed statement; that some more witnesses are also to be examined in the said crime; that both the Investigating Officers would take necessary steps for completing the investigations into the said crimes and file final reports; that both the said Officers are conducting impartial investigations; and, that the contrary allegations in the affidavit filed in support of the writ petition are false and invented.

5. Recording the submissions, the Writ Petition is disposed of directing the Station House Officer, Kalwakurthy Police Station, Nagarkurnool District, and the Sub-Divisional Police Officer, Kalwakurthy, to expedite the investigations into the afore-stated respective crimes and file final reports, by strict adherence to the procedure established by law, however, by seeing to it that the petitioner is not pressurised by the opposite parties to compromise the matter. Having regard to the peculiar facts of the case, the Deputy Superintendent of Police, Nagarkurnool District, is directed to super see the investigations into the afore-stated crimes, in accordance with the provision under Section 36 of the Code of Criminal Procedure, 1973. 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

Note: Registry is directed to dispatch a copy of this order to the Deputy Superintendent of Police, Nagarkurnool District.

(B/o.)
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