

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.15139 OF 2018

ORDER:

This writ petition is filed for the following relief;

“....to issue a writ order or direction more one in the nature of Writ of *Mandamus* declaring the action of the 6th respondent in not registering a case upon the cognizable offence of Death of Smt.Durgam Mallakka where and which place the 6th respondent was present along with his constables at 08.30 p.m on 16.02.2018 at the scene of offence of the death of Smt.Durgam Mallakka and not endeavouring to register a criminal case in time and allowing tampering of evidences by respondent Nos.7 to 9 then after allowing a complaint from 8th respondent on 17.02.2018 at 7.00 a.m. with contradictory averments amounts to collusion between the private respondents 7 to 9 and respondents 4 to 6 to implicate my father Durgam Rajaiah who is of no intelligence/childish mentality is illegal, arbitrary, violative of Article 14, 21 of the Constitution of India and also against the police standing orders and pass such other order or orders as this Court deems fit and proper in the interest of justice.”

Heard learned counsel for the petitioner.

Learned Assistant Government Pleader for Home produced written instructions stating that on 17.02.2018 at 07.00 hours, the 8th respondent Durgam Kumaraswamy lodged a complaint with the Station House Officer, Ramakrishnapuram Police Station, Mancherial District, stating that his father Durgam Lachaiah-7th respondent has dropped his mother Smt.Durgam Mallakka on his

motor cycle at their corn filed and went to Mancherial on some personal work; that at 19.00 hours he received information through phone from Durgam Srinivas and his father Durgam Lachaiah that his mother found dead in their field; and that immediately he rushed to their corn field and found his mother was died in mud in prostrate position with bleeding injuries in her left ear and on head, which were caused with sharp edged weapon by some unknown person.

It is stated that in pursuance to the aforesaid complaint of the 8th respondent, a case was registered in Crime No.27/2018 for the offences under Section 302 IPC on 17.02.2018 and investigation has been taken up by the Inspector of Police and conducted panchanama. During the course of investigation as many as ten witnesses have been examined and recorded their detailed statements. Thereon held inquest over the dead body and subjected the dead body to post mortem examination at Government Hospital, Mancherial. During the course of investigation, it is revealed that the petitioner's father Durgam Rajaiah committed the offence, hence on 24.02.2018 he was arrested, seized crime weapon, his blood stained shirt and stolen gold ornaments from his possession under cover of confession and seizure panchanama. The accused confessed to have committed the offence before Sri M.Ramreddy, Branch Post Master, Mamidigattu Village. Basing on his confessional statement, section of law 379 and 404 IPC were added to the existing section 302 IPC. Later the

accused sent to judicial remand. It is further stated that on 10.03.2018, a requisition was made to the Judicial Magistrate of First class, Luxettipet to record Section 164 Cr.P.C. statements of the witnesses i) Mandala Ram Reddy ii) Sunkari Thirupathi iii) Gajje Padma and iv) Durgam Chandraiah.

It is further submitted that the Police have not implicated the petitioner's father in the crime; that the evidence was not tampered; that the unofficial respondents were not allowed to tamper the evidence as alleged by the petitioner; that fair and impartial investigation is conducting in the matter; that no malafides can be attributed the same; and that based on the statements of the witnesses and evidence, the petitioner's father was arrested and he also admitted commission of offence.

In view of the aforesaid written instructions, since already crime is registered for the death of Durgam Mallakka as stated in the written instructions and investigation is in progress, no relief can be granted in the writ petition.

Accordingly the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

13.06.2018
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