

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.19890 OF 2018

O R D E R

Alleging that the 5th respondent – Station House Officer, Chandrayanagutta Police Station, Chandrayanagutta, Hyderabad, has not registering the case in Cr.No.145/2018 dated 1.6.2018 under proper provisions of I.P.C., and is not conducting the investigation in a fair and proper manner, the present writ petition is filed for a direction to the respondents to conduct investigation in a fair and proper manner by amending the provisions of I.P.C.

The case of the petitioner, as per the averments made in the affidavit filed in support of the writ petition is that the petitioner married one Sana Begum on 05.09.2015 and he was blessed with a male child in the month of March, 2018. The petitioner was employed in Dubai and during the month of May, 2017, his wife stayed there for one month and returned to India. The wife of the petitioner demanded an amount of Rs.40,000/-, and as he expressed his inability, she raised a quarrel and left the matrimonial house at about 1.30 p.m. on 30.05.2018 and along with her, taken away keys of his two wheeler, cell phone, and went to her parents house. When the petitioner along with her father went to the house of his in-laws on 31.05.2018 at about 11.30 p.m., at Salala Barkas, Hyderabad, with an amount of Rs.20,000/-, about thirty five members of his wife's family and their associates, were present, and his father-in-law abused him and all the above said persons present there, beat him and injured him on his face, resulting in bleeding injury on his right eye; that they beat him on the lower lip and his head was injured, due to which during treatment, he received seven sutures on his head and eighteen

sutures on his lower lip. His father also received injuries and when reported the matter to Chandrayangatutta Police Station, they referred them to Osmania General Hospital, where the medico legal case was registered and treatment was given to the severe bleeding injuries. When they approached the police on 1.6.2018, police informed him that his wife has already given a complaint against him alleging that he manhandled her and their minor child. However, the petitioner denied the said allegations. The police have registered the case in Crime No.145 of 2018 on 1.6.2018 under Sections 324 read with 34 IPC. The grievance of the petitioner is that the 5th respondent, who registered the crime, is not investigating the crime in a fair and proper manner and that the crime was not registered under the correct provisions of law. Hence, the writ petition.

Learned counsel for the petitioner submits that when the relations of the wife of the petitioner and their associates, with an intention to kill, brutally attacked the petitioner and caused grievous injuries, the police registered the case only under Section 324 read with 34 IPC, instead of under Section 307 IPC. He stated that investigation is also not being done properly.

Learned Assistant Government Pleader for Home, on written instructions, would submit that as per the averments made in the complaint, the crime was registered under the appropriate provisions of law. He stated that as there are no allegations meeting the ingredients of Section 307 IPC, and the allegations only pertain to receiving injuries at the hands of family members and the associates of the wife of the petitioner; case was registered under Section 324 read with 34 IPC and that notices under Section 41-A of Cr.P.C. were issued to the accused and

the investigation is in progress and that report under Section 173 of Cr.P.C. would be filed before the court concerned.

Learned counsel for the petitioner submits that the petitioner has signed the complaint written by the station writer and he has not read its contents. He submits that there is life threat to the petitioner.

Learned Assistant Government Pleader for Home produced copy of written complaint. A reading of the allegations show that the ingredients under Section 307 of IPC are not made out. Therefore, the registration of the crime under the above said provisions of I.P.C., cannot be faulted. As per the submissions of the learned Assistant Government Pleader for Home, investigation is in progress.

If there is life threat to the petitioner at the hands of his in-laws, it is open for him to file necessary report in this regard, and it is for the respondent – police authorities to consider the same and take appropriate action in accordance with law.

With the above observation, writ petition is disposed of.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

A. RAJASHEKER REDDY, J

DATE: 06—07—2018

AVS