

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No.301 of 2016

ORDER :

The petitioner has filed this writ petition seeking *Mandamus* to declare action of respondent No.3 in not arresting the accused persons in Crime No.185/2015, dated 22.08.2015 on the file of 4th respondent – Station House Officer, Nampally Police Station, Hyderabad, registered for the offences punishable under Section 3(1)(x) of SCs, STs (POA) Act, 1989 (for brevity “the Act”), which is contrary to Rule 7(2) of the Rules made under the Act, as illegal and arbitrary and consequently sought a direction to the 3rd respondent to forthwith arrest the accused persons in the above crime.

The case of the petitioner is that she filed a complaint before the 4th respondent – Station House Officer, Nampally Police Station, Hyderabad, on 22.08.2015 and after preliminary enquiry, the police registered a case in Crime No.185/2015, dated 22.08.2015 for the offences punishable under Section 3(1)(x) of the Act. It is stated that though 3rd respondent was appointed as Investigating Officer, he kept the investigation pending and no action is taken against the accused persons in the said crime. Though the petitioner approached respondent Nos.3 and 4 to take action, they have not taken any action, which is in violation of Rule 7(2) of the Rules made under the Act. Therefore, the petitioner has

invoked the jurisdiction of this Court under Article 226 of the Constitution of India by way of filing the present writ petition.

Heard learned counsel for the petitioner as well as the learned Assistant Government Pleader for Home and perused the material on record.

The learned Assistant Government Pleader for Home, on instructions, submits that as per the provisions of the Act, investigation has to be completed within a period of 30 days from the date of registration of the FIR, but however, due to the delay in obtaining caste certificate and recording the statements of eye-witnesses to the incident, some delay has occurred and the said delay was neither willful nor wanton. He further submits that after completing the investigation, the police filed a final report referring the complaint as a false complaint.

Learned counsel for the petitioner submits that the petitioner has no intimation about the filing of final report in the above crime to enable her to file a protest petition against the said final report.

Having regard to the facts and circumstances of the case, since the police concerned have filed a final report referring the complaint of the petitioner as false, this writ petition deserves to be closed. However, the police concerned are directed to furnish a copy of the final report to the

petitioner within a period of two weeks from the date of receipt of a copy of this order to enable the petitioner to avail appropriate remedies available under law.

With the above direction, this writ petition is closed. No order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

GUDISEVA SHYAM PRASAD, J

17.04.2018.
Msr



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