

HON'BLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.24662 of 2013

ORDER:

There is no representation on behalf of the petitioner.

The prayer of the writ petition is as under:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Court may be pleased to issue a writ, order or direction more particularly in the nature of writ of mandamus declaring the action of the 1st respondent in not conducting proper investigation and including the Section of Law U/s 3(1) & 3(x) of SC & ST (POA), Act is contrary to law arbitrary and unconstitutional and to pass other orders or order as this Hon'ble Court may deem fit and proper in the interest of justice.”

The learned Government Pleader appearing for the respondent No.1 on instructions submits that the subject matter of the writ petition pertains to a case and counter case. In the complaint lodged by the petitioner herein, a case in Crime No.148 of 2013 was registered for the offence under Section 323 r/w 34 IPC. In the said crime, the investigation was completed and the charge sheet was also filed before the Court below. As far as the case in Crime No.147 of 2013 registered on the complaint of the respondents 2 to 5 for the offences under Sections 324, 448, 506 r/w 34 IPC against the petitioner is concerned, charge sheet is yet to be filed.

In fact, in the counter affidavit filed on behalf of the 4th respondent, the respondents 2 to 5 have categorically pleaded that they have no acquaintance with the petitioner and the allegations made against them are frivolous in nature. When the respondents 2 to 5 are not aware of the petitioner, the question of

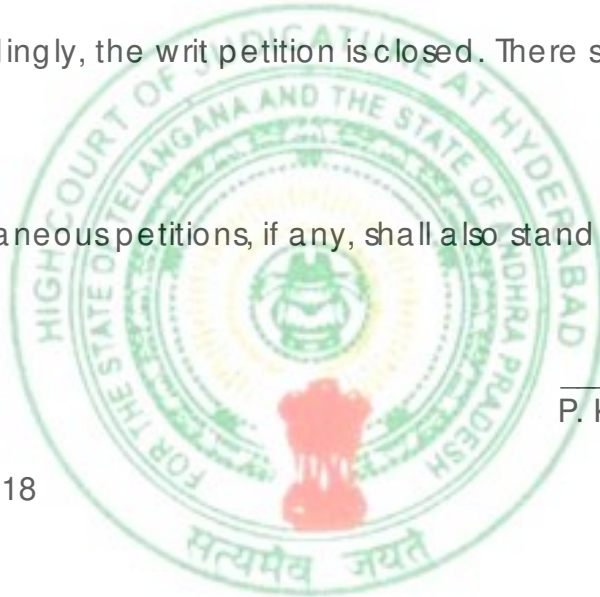
abusing him by taking his caste name whereby inviting the offence under Section 3 (1) (x) of SC & ST (POA) Act, does not arise at all. Though, a counter affidavit is filed, there is no reply from the petitioner. That apart, a charge sheet is also filed. It is always open for the petitioner to move a protest application bringing to the notice of the Court below about the improper investigation and seek appropriate relief.

Under these circumstances, this court is of the opinion that no further orders are required in the writ petition.

Accordingly, the writ petition is closed. There shall be no order as to costs.

Miscellaneous petitions, if any, shall also stand closed.

Date: 27.11.2018
ccm



P. KESHA VA RAO, J

HON'BLE SRI JUSTICE P. KESAVA RAO



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ccm