

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.33982 of 2018

ORDER:

When the matter is taken up, written instructions dated 15.11.2018 furnished by the Sub-Inspector of Police, Rayadurgam Police Station, Anantapuram District are placed on record by the learned Government Pleader for Home.

To the extent of their relevance to the present writ petition, the said instructions read as under:

“It is submitted that basing on the hospital intimation and statement of the petitioner herein, a case was registered as Cr.No.91/2017 dated 04.08.2017 for the offences U/s.341, 324, 427, 506 r/w 34 IPC against the accused Nabi and 4 others (A-1 to A-5) on the file of Rayadurgam Police Station, Anantapuram District with regard to wrongful restrain, voluntarily causing hurt, mischief, criminal intimidation that occurred on 03.08.2017 at about 11.30 PM in between Galimaremma Temple and Paithota area.

Thus sum and substance of the statement of the petitioner are that A-1 to A-5 of Molkalmoor town, Chitradurga District, Karnataka State came across the autho of the complainant and damaged the auto of the complainant bearing No.AP0IT4941 and all the injured were admitted to Govt. Hospital, Rayadurgam in the same auto for treatment.

It is submitted that during the course of investigation as many as six (6) witnesses has been examined and recorded their detailed statements.

It is submitted that during the course of investigation, the investigating officer collected call details and tower location of accused and the compmplainant and revealed that the daughter of the complainant i.e., LW.2 made a phone call to LW.1 and others on 3.08.2017 at 10.00 AM and informed that her father attacked by some unknown persons. On verification of the call data LW.2 made a phone to LW.6 and requested to come to her house for want of auto on hire basis. Accordingly LW.6 reached the house of LWs 1 and 2 and L.Ws.1 and 2 taken the phone of L.W.6 and called the Circle Inspector of Police, Rayadurg stating

that some unknown persons attacked L.W.1. Basing on the call date it revealed that at the time of occurrence, the accused stayed at Molkalmor and Bellary town and they did not visited the occurrence spot. The complainant falsely reported that the accused attacked him.

It is further revealed that L.W.2 is the daughter of L.W.1 and wife of A-2. Their marriage was performed on 13.12.2009. A-1, A-3 to A5 are the brothers of A-2. Due to differences, basing on the complaint of L.W.2, a case was registered as Cr.No.161/2012 U/s.498-A r/w 34 IPC on the file of Rayadurgam Police Station and the case is pending trial vide CC.No.245/2012. L.W.2 also filed M.C.No.13/2012 for maintenance. On the private complaint of L.W.1 a case was registered as Cr.No.51/2015 U/s. 452, 307 IPC & Section 156 (3) Cr.P.C. against the accused. The investigation revealed that the complainant lodged false complaint. In this connection the Sub Divisional Police Officer, concerned accorded permission to refer the case as false vide C.No.91/Gen1/SDPO-KLg/2016 dated 18.02.2016.

It is submitted that the petitioner contended that the investigating officer not conducted the investigation in connection with Cr.No.91/2017 dated 04.08.2017 for the offences U/s.341, 324, 427, 506 r/w 34 IPC against the accused Nabi and 4 others (A-1 to A-5) on the file of Rayadurgam Police Station, Anantapuram District is incorrect and baseless. It is submitted that the investigating office conducting the investigation in an impartial and sincere manner and there is no foul play in it.

However, the investigation in Cr.No.91/2017 dated 04.08.2017 for the offences U/s. 341, 324, 427, 506 r/w 34 IPC is under progress and after completion of investigation an appropriate report will be filed before the concerned Hon'ble Court as expeditiously as possible."

On noticing the above instructions, a request is made by the learned counsel for the petitioner to place the said instructions on record and dispose of the writ petition.

Accordingly, the writ petition is disposed of by placing on record the written instructions dated 15.11.2018 furnished by the

Sub-Inspector of Police, Rayadurgam Police Station, Anantapuramu District with a further direction to complete the further proceedings in accordance with law, as expeditiously as possible. There shall be no order as to costs.

Miscellaneous Petitions pending consideration, if any, in this Writ Petition shall stand closed.

JUSTICE A.V.SESHA SAI

Date :20.11.2018
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