

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.34604 of 2018

ORDER:

When the matter is taken up, written instructions dated 25.09.2018 furnished by the Sub-Divisional Police Officer, West Division, Guntur Urban 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 the investigating officer in the above case has so far examined (6) witnesses and recorded their statements. Further, the investigating officer has called the petitioner/A.1 over phone to come to the police station for service notice u/s.41-A Cr.P.C and for the purpose of investigation in Cr.No.325/2018. However, the petitioner has not responded and avoided to receive the same. Ultimately, the Section 41-A Cr.P.C notice, requesting him to attend the police station for the purpose of investigation in Cr.No.325/2018, was pasted on the wall of the shop of the petitioner herein. So far, the petitioner has not approached the police station or cooperating in the investigation.

It is submitted that it is fact that the petitioner has earlier filed a complaint against the S.I. of Police, Arundelpet P.S., before the State Human Rights Commission, which was forwarded to the Superintendent of Police, Guntur Urban Dist., vide HR Case No.1477/2018, for enquiry and report. Thereon, the Superintendent of Police, Guntur Urban Dist., conducted enquiry on the allegations of the petitioner through SDPO, West Sub-division, Guntur, wherein the allegations of the petitioner were found false and baseless, Accordingly, the Superintendent of Police, Guntur Urban Dist., vide C.No.20/D8/SHRC/dcrb/2018, dt.24.07.2018 submitted report before the State Human Rights Commission, basing on which the State Human Rights Commission by orders dt.30.07.2018, in HRC.No.1477/18, closed the same.

It is submitted that all the contentions of the petitioner/A.1 about his non-involvement of the offence, are

the subject matter of investigation in Cr.No.325/2018, which is being investigated by the Sub-Inspector of Police, Arundelpet P.S., strictly in accordance with law and as per the provisions of Criminal Procedure Code. In fact, the petitioner was never harassed by the respondent police authorities, as alleged in the writ petition.

It is submitted that the petitioner/A.1 has filed this writ petition with false and baseless allegations of harassment against the investigating officer only to put pressure on the investigating officer in order to escape the criminal liability in Cr.No.325/2018. Therefore, all the allegations of the petitioner against the respondent police authorities are incorrect, untenable and hereby denied.

In view of the facts and circumstances stated above, there is no inaction on the part of the respondent police authorities, as alleged in the writ petition. All other allegations of the petitioners against the respondent police authorities are incorrect untenable and hereby specifically denied.”

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 25.09.2018 furnished by the Sub-Divisional Police Officer, West Division, Guntur Urban District with a further direction to the petitioner herein to cooperate with the investigation. 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 :23.10.2018
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