

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.34571 of 2018

ORDER:

When the matter is taken up, written instructions dated 25.09.2018 furnished by the Station House Officer, Kamareddy Police Station, Kamareddy 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 petitioner has given a complaint dated 20.8.2018 with PS : Kamareddy stating that they are 3 sisters and 2 brothers. Her mother was having a house. The brothers have not taken care of his mother, as such her mother gifted a portion of the house to her. Her elder brother MD. Mahmood is staying in the adjacent portion. Both the portions are having single electricity meter. On 19.8.2018 at 4.00 p.m. when she enquired his brother about the bill amount, he abused her in filthy language. Further, as his brother disconnected power supply to her portion, she questioned him. On that, his brother and sister-in-law pushed her down and beat her with legs. When her sister Jameela Begum came to her rescue, they also beat him. They threatened to kill her. The said incident was witnessed by the locality people also. She further stated that, she tried to place the matter before the elders, but did not so. Therefore, there is delay in giving complaint.

It is submitted that, based on the above complaint, a case in Crime No.288/2018 u/s 341, 290, 506, 323 r/w 34 IPC, dated 20.8.2018 was registered and taken up for investigation. During the course of investigation, the complainant and L.W.2 were examined and recorded their detailed statements. Later, visited the scene of offence, observed the scene and secured the mediators and in their presence conducted scene of offence panchanama and drawn rough sketch of the same in Crime Detail Form. Later, examined the L.Ws.3 to 5 and recorded their statements. On 25.8.2018, notices u/s 41 (a)(i) Cr.P.C. were served to A.1/Md.Mahamood and A.2/Nusurath

Begum. On 30.8.2018 the accused complied with the notices and they were granted station bail. It is submitted that, after completion of investigation, charge sheet dated 10.9.2018 was filed before the Hon'ble JFCM at Kamareddy and CC number is awaited.

It is submitted that the allegations made in the affidavit are not correct and hereby denied. All the allegations have been made as an after thought only for the purpose of the writ petition. There is no iota of truth in the said allegations.

It is submitted that the petitioner came to the Police Station without any written complaint. Upon her request, the Police Constable at Reception Centre prepared written complaint. What all has been stated by the petitioner were reduced into writing. After writing the complaint in telugu language, the said Police Constable read over and explained to the petitioner in her mother tongue and the Petitioner having understood the contents of the said written complaint, signed her signature on the complaint and given in the Police Station. The Police Constable has written the complaint as per the oral statement of the petitioner. He has not distorted any facts. In fact, after registering the FIR, Police examined the complainant and recorded her statement, in which also the petitioner corroborated with her oral statement given to the Police Constable at the Reception Centre.

It is submitted that, after registering the FIR, the Police examined the complainant and thereafter visited the scene of offence and subsequently examined and recorded the statements of other witnesses. Later visited the scene of offence and observed the same. Further, during the course of investigation, the Police served Section 41 (a)(i) notices upon the petitioner's brother and her sister-in-law. The investigation has been done as per law. The Police have not made the petitioner to settle the matter with the accused. The said allegation has been made only for the purpose of the writ petition.

With regard to the contention that the petitioner has given complaint dated 20.8.2018, but there was no action on the said written complaint, it is submitted that, the Office of the Deputy Superintendent of Police, Kamareddy has not received the written complaint stated to have been sent by the petitioner till date. Therefore, it is not correct to contend that

the Police have not acted upon her written complaint dated 20.8.2018.

It is submitted that the petitioner is Accused No.3 in Crime No.287/2018 u/s 341, 290, 323, 506, 427 r/w 34 IPC, dated 20.8.2018 which has been registered based on the complaint given by Md. Mahamoo, who is the brother of the petitioner. The complainant stated that he and his sister stays in two portions of a house situated side by side. There is only one electricity meter for the two portions. Every month they share electricity bill and pay equally. On 19.8.2018 at 0400 hours, the complainant asked his sister to pay the current bill but she denied to pay and moreover she abused him in filthy language. His brother-in-law and others beat him with hands and when his wife tried to stop them, they beat his wife also and pulled her with chunni. As a result she received injury on her neck. They damaged the electricity meter also. Hence requested for action.

It is submitted that during the course of investigation in FIR No.287/2018, the Police served Section 41 (a)(i) Cr.P.C. notices to the accused including A.3 i.e., petitioner herein and after completion of investigation, charge sheet was filed before the Court of Hon'ble JFCM at Kamareddy on 10.9.2018 and CC number is awaited.

It is submitted that, as stated above, investigation in both the cases was completed and charge sheets were also filed. Therefore, the question of threatening the petitioner to settle the matter with the family members does not arise and the said contention is without any merit and untenable."

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 Station House Officer, Kamareddy Police Station, Kamareddy District. 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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