

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.39446 of 2018

ORDER:

When the matter is taken up, written instructions dated 28.11.2018 furnished by the Sub-Inspector of Police, Amaravathi Police Station, Guntur 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 had lodged a complaint on 09.04.2018 with the respondent No.2 Station House Officer, Amaravathi Police Station, Guntur District against the respondents 3 and 4 Oruganti Venkata Rami Reddy and Govindamma with regard to outrage modesty of the complainant by using criminal force. Basing on the said complaint a case was registered as Cr.No.77/2018 dated 09.04.2018 for the offences U/s.509, 352 r/w 34 IPC against the respondents 3 and 4 and investigation had been taken up.

It is submitted that during the course of investigation as many as six (6) witnesses were examined and recorded their detailed statements and revealed that the accused has been working as Mandal Education Officer at Amaravathi and the complainant working as Special Grande Teacher at Mandal Parishad Primary School (Special), Lingampuram village. The petitioner complainant did not discharge her legitimate duty, used un-parliamentary words towards co teachers, used cell phone in class room, not maintained the MDM record property, lesson plan not maintained, answers scripts not valued, not maintained census register, promotion register and CL account register, kept MDM rice stock outside the school point, not maintained cash book, stock register properly and withdrawn amount without permission of higher authorities. Thereon the petitioner placed under suspension by the concerned Deputy Educational Officer, Guntur by proceedings RC.No.10768/A3/2017 dated 28.07.2017 with effect from 29.07.2017.

It is submitted that this is a counter case to Cr.No.52/2018 for the offences U/s.353, 355 and 506 IPC registered against the petitioner herein. The petitioner bore grudge and lodged false a complaint against the accused. The witnesses did not corroborate the contents of FIR. Basing on the evidence and merits of the investigation it revealed that the accused did not outrage modesty of the complainant as alleged by her in the complaint. In this connection the Sub Divisional Police Officer, Thulluru vide C.No.122-Refer/SDPO-THLR/2018 dated 31.08.2018 accorded permission to refer the case as "FALSE". It is submitted that after serving the notice to the complainant, final report will be filed before the concerned Hon'ble Court.

It is submitted that the petitioner contended that the respondent No.2 Station House Officer, Amaravathi Police Station, Guntur District did not conducting the investigation properly and not finalized the investigation in Cr.No.77/2018 dated 09.04.2018 for offences U/s.509, 352 r/w 34 IPC is incorrect and baseless. In this connection, it is submitted that the investigating officer conducted the investigation in an impartial and sincere manner and there was no foul play in it. The investigation revealed that she lodged false complaint against the accused."

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 28.11.2018 furnished by the Sub-Inspector of Police, Amaravathi Police Station, Guntur District. However, it is open for the petitioner to avail other remedies strictly in accordance with law. 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 :12.11.2018
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