

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.40521 of 2018

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for Home, apart from perusing the entire material available on record.

When the matter is taken up, written instructions, dated 12.11.2018, furnished by the Sub-Divisional Police Officer, Kurnool Sub-Division, Kurnool District, are placed on record by the learned Government Pleader. The said instructions, to the extent of their relevance to the present Writ Petition, are as under:

"It is submitted that the above writ petition is filed by the petitioner declaring the inaction of the official respondents in investigating into Cr No.11/2018 of III Town Police Station, Kurnool, though the said crime is registered on 18.1.2018 and consequently direct the official respondents to complete the investigation in terms of Rule 7 (1) & (2) of SC/ST (Prevention Atrocities) Rules, 1995 and further direct the official respondents to forthwith proceed with the criminal investigation process including the arrest of the accused in connection with Cr.No.11(2018 of III Town Police Station, Kurnool.

It is respectfully submitted that basing on the complaint of petitioner a case registered basing on the complaint of petitioner case was registered on 18.1.2018 in Crime No. 11/2018 for the offences U/s.506 r/w 34 IPC & Sec.3(1)(r)(s) of SC/ST (POA) Act of Kurnool Town P.S. That during the course of investigation, the complainant-L.w.1 and other witnesses L.w.s.2 to 10 were examined and their statements were recorded. That as per the evidence of witnesses L.w.s.5 to 10 no altercation took place at the house of A-4 on 3.1.2018 and none of the accused either abused the complainant by touching his caste or threatened him in any manner. That the evidence of L.w.s.2 to 5 is also not cohesive as to why they basically came to Kurnool on that day accompanied the complainant to the alleged scene of offence. The Lw-10 is the adjacent neighbour of the alleged house of A-4 is a judicial employee and he also stated that nothing has happened in the complaint. As such no prima facie was established against the accused, as per the evidence of witnesses.

It is respectfully submitted that after completion of investigation, the Sub-Divisional Police Officer addressed a letter to the Special Public Prosecutor, Kurnool to render opinion, on that the Special Public Prosecutor, Kurnool opined to refer the case as false vide letter, dated 28.4.2018. Basing on above opinion, the Sub-Divisional

Police Officer, Kurnool has addressed a letter to the Superintendent of Police, Kurnool vide Lr.C.No.968/SDPO-K/2018, dated 28.4.2018 to accord permission to refer the case as false. The orders of the Superintendent of Police, Kurnool District are awaited.

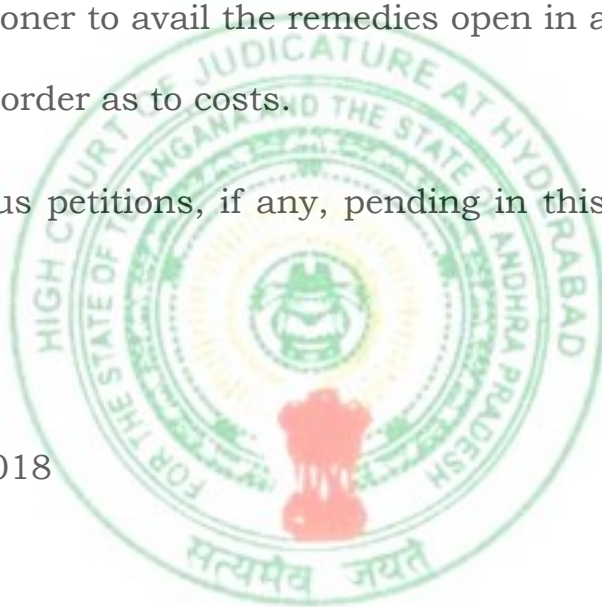
In view of the facts stated above, the writ petition is not maintainable and liable to be dismissed”.

Eventually a request is made by the learned counsel for the petitioner to dispose of the Writ Petition by placing on record the above instructions.

By placing on record the above written instructions, Writ Petition is disposed of, directing the respondent-police authorities to complete the investigation and to file a final report as expeditiously as possible. It is open for the petitioner to avail the remedies open in accordance with law. There shall be no order as to costs.

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

03rd December, 2018
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A.V. SESA SAI, J