

HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.44496 of 2018

ORDER:-

When the matter is taken up, the written instructions furnished by the Inspector of Police, Panyam Circle, Kurnool District, dated 06.12.2018, are placed on record by the learned Government Pleader. The said instructions read as under:-

“It is submitted that on 29.09.2016, the writ petitioner approached the Station House Officer, Panyam P.S., and submitted a written complaint against the 4th respondent and others. Basing on the contents of the complaint, the Station House Officer, Panyam P.S., registered a case in Cr.No151 of 2016 for the offence ups.306 r/w 34 I.P.C, and issued F.I.R. Thereafter, the Inspector of Police took up the investigation and examined the writ petitioner and 5 other witnesses and recorded their statements. The Inspector of Police conducted inquest over the dead body of the deceased (i.e., Smt.B.Surekha, the wife of the writ petitioner) in the presence of the mediators/panchayatdars. The Inspector of Police visited the scene of offence, prepared observation Panchanama and rough sketch in the presence of the mediators. The Inspector of Police after completing the inquest, sent the dead body for post-mortem. The Inspector of Police, during the course of investigation examined and recorded the statements of L.Ws.7 to 26.

It is submitted that, during the course of investigation, it is disclosed that the respondent No4 is a business magnet and he is running Shantiram General Hospital-cum-Medical College and also Educational Institutes i.e., RGM & Shantiram Engineering Colleges and Shantiram Pharma College at Narvada village of Panyam Mandal. The 4th respondent got permission from the Stage Government to construct a PCC and NPCC Chemical Factory in the Government land vide Sy.No570/1 situated at the outskirts of Kondajuturu village of Panyam Mandal. In connection with the construction of the company, the Kondajuturu village people were divided into 2 groups, one in far with the construction and the other against the construction of the Chemical Factory. The writ petitioner is one of the main leaders of the group which was opposing the

construction of the Chemical Factory. Under the leadership of one Balaswamy, Advocate, the writ petitioner, his wife Surekha (deceased in Cr.No151/2016 of Panyam P.S.) and some others of Kondajuturu village started agitations and dharnas against the construction of Chemical Factory. The villagers also met the District Collector and others District Officials and submitted representations with a request to stop the construction of the said factory.

It is submitted that, the District Collector has sent expert Committee to Kondajuturu village to clarify the doubts of the villagers and on 14.09.2016 the District Collect along with other officials and the respondent No4 conducted a public hearing in Kondajuturu and tried to convince the villagers. But the villagers did not heed the orders of the District officials and continued their agitation. Except in this instance, the respondent No4 did not visit Kondajuturu village in connection with the construction of the Chemical Factory. In the meantime, on 02.08.2016, the wife of the writ petitioner along with some other ladies went to the house of Mandla Yellappa and beat his wife and mother (L.Ws.17 and 18) as they are supporting for construction of Chemical Factory. In this regard, a case in Cr.No113/2016 was registered for the offence under Sections 323, 324 r/w 34 I.P.C, against the wife of the writ petitioner and others.

It is submitted that, later the wife of the writ petitioner committed suicide by hanging herself at her house due to family disputes. But taking undue advantage of her suicide, the writ petitioner along with some villagers took the dead body of the deceased to NH40 Highway, Panyam and made Dharna/Rastharokho, alleging that the respondent No4, his sons and his followers are responsible for the death of his wife as they foisted a false case against his wife. With the same allegations, the writ petitioner filed a complaint before the Panyam Police, on which a case in Cr.No151/2016 was registered and investigated into. It is submitted that, in connection with the Dharna/Rastakokho done by the writ petitioner and others, a case in Cr.No152/2016 was registered for the offence under Sections 143, 341, 353, 186, 187 r/w 149 I.P.C and Section 7(1) of Criminal Law Amendment Act, 1932, against the writ petitioner and others.

It is submitted that, during the course of investigation, as many as 26 witnesses were examined and recorded their statements. Except the writ petitioner and the witnesses examined during the inquest over the dead body of the deceased, no other

witnesses supported the case of the prosecution and *prima facie* is not proved against the respondent No4 and others in Cr.No151/2016 of Panyam P.S.

It is submitted that, as the *prima facie* is not proved against the respondent No4 and others in Cr.No151/2016 of Panyam P.S., proposals were submitted to the SDPO, Nandyal to accord permission to refer the case as FALSE and the SDPO, Nandyal issued orders vide C.No.183/SDPO-NB/2017, dated 09.06.2017 of SDPO, Nandyal. The P.C. 2413 was deputed to serve the notice on 09.06.2017 to the writ petitioner, but the writ petitioner rejected to take the same.

It is submitted that on 22.03.2018, vide Inward No984/2018, a Final Report was filed before the Hon'ble Judicial Magistrate of First Class, Nandyal, with a prayer to close the proceedings in Cr.No151/2016 of P.S.Panyam, and it is pending with the Hon'ble Judicial Magistrate of First Class, Nandyal.

It is submitted that the writ petitioner knowing fully well with regard to the closure of proceedings in Cr.No151/2016 filed the present Writ Petition with false and baseless allegations.”

Accordingly, the Writ Petition is disposed of, by placing on record the said instructions furnished by the Inspector of Police, Panyam Circle, Kurnool District, dated 06.12.2018. However, it is open for the petitioner herein to avail the remedies open, in accordance with law.

Miscellaneous petitions pending, if any, shall stand disposed of. There shall be no order as to costs.

A.V.Sesha Sai, J

Date:27.12.2018
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