

THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION No.727 of 2014

ORDER:

There is no representation on behalf of the petitioner. Heard the learned Government Pleader appearing for respondents 1 to 4.

2. The prayer sought in the writ petition is as under:

“For the reasons stated in the above accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the highhanded action of the respondents 5 and 6 in registering the case on the complainant/victims and misusing their official capacity as arbitrary, illegal and against the law and consequently direct the respondents 1 to 3 to initiate enquiry against the respondents 5 and 6 and punish them as per law and to pass such other further order or orders as deemed fit and proper in the circumstances of the case and in the interest of justice.”

3. Learned Government Pleader appearing for the above respondents 1 to 4 placed on record the written instructions dated 06.03.2014 issued by the Inspector of Police, Pahadishareef Police Station, Cyberabad Commissionerate.

4. From the perusal of the said written instructions, it is revealed that on 17.11.2013 at 1800 hours the petitioner herein and two others approached the fourth respondent and contacted the Head Constable 1005 who was present at that point of time and orally stated to him that his neighbours, viz., Smt.Hazara and others, abused them in filthy language and beat them with hands and legs due to which they sustained injuries and shown the injuries to the Head Constable and requested to send them to the hospital for treatment. Immediately, the Head Constable sent them to Osmania General Hospital with a requisition for treatment. Pursuant to the requisition of the police, the petitioner herein and two

others were treated at the hospital. On the very next day, i.e., on 18.11.2013 at 6.30 a.m., the petitioner along with two others approached the fourth respondent-Station House Officer along with out-patient slips issued by the Osmania General Hospital authorities and lodged a complaint requesting the police to take necessary action as per law.

5. In the written instructions, the Station House Officer further stated that after receipt of the said complaint, he immediately made an entry in the General Diary of the station on the same day itself i.e., 18.11.2013. Since the contents of the complaint appeared to be non-cognizable in nature, a requisition was filed before the XIV Metropolitan Magistrate, Hyderabad, to accord permission to register a crime and that after obtaining permission from the Court, a case in Crime No.26 of 2014 under Sections 323, 504 and 290 IPC was registered on 18.01.2014 against the persons named in the complaint and had taken up investigation. Pursuant to the registration of the crime, investigation was completed and a charge sheet was laid before the concerned Court on 25.06.2014. After taking cognizance of the offences, the same was taken on file as C.C.No.292 of 2014. After trial, the matter ended in acquittal on 23.02.2017.

6. As far as the allegation of the petitioner that the respondent police authorities are coming to the rescue of the people only if they pay money but not otherwise, is absolutely false, baseless and invented only for the purpose of filing the present writ petition.

7. Since a crime was already registered pursuant to the complaint lodged by the petitioner and others and a charge sheet was filed after investigation, the grievance of the petitioner is redressed. If the petitioner has got any objection, the remedy available to the petitioner is by way of

filing a protest application before the concerned Magistrate. However, in this case after trial, the matter ended in acquittal.

8. In that view of the matter, this Court is of the opinion that no further cause would survive in the writ petition.

9. Accordingly, the writ petition is dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

Date:17.12.2019

PGS

JUSTICE P.KESHA RAO

