

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 2699 of 2019

Date : 27.3.2019

Between:

M A Parveen ,W/o Gaffar
Aged 58 years, Occ: Housewife,
Plot No.49, SLNS Colony, Balapur,
Rachakonda, Telangana State

.....Petitioner

And

The State of Telangana,
Rep by its Principal Secretary,
Home Department, Secretariat Bldgs.,
Saifabad, Hyderabad and others

.....Respondents

The Court made the following:



HONOURABLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No. 2699 of 2019****ORAL ORDER:**

Heard learned counsel for petitioner and learned Government Pleader for Home.

2. On 25.7.2018 Salma @ Sandhya-daughter of petitioner died. On 26.07.2018 petitioner lodged a complaint in Ibrahimpatnam Police Station stating that her daughter committed suicide. On 9.10.2018 petitioner filed a complaint before the Commissioner of Rachakonda police alleging that 4th respondent and his brothers killed her daughter by strangulation. Petitioner complained that though on 26.07.2018 she reported to the Assistant Sub Inspector to register case of murder, but he instigated the petitioner to give complaint as if her daughter committed suicide by making allegation of dowry demand and harassment leading to death, attracting provisions of Section 498-A and 306 of IPC. Further, petitioner requested the police to send the post mortem report to Forensic Science Laboratory (for short FSL) to obtain report which would disclose the apprehension of the petitioner that her daughter was killed. Petitioner requested the police to change the provisions of law attracting case of murder. Alleging inaction, this writ petition is filed.

3. Petitioner alleges that in spite of request made, police failed to send the post mortem report to FSL, as they were under the influence of 4th respondent. Petitioner alleges that respondents 4 to 8 have managed the Government Civil Surgeon, Ibrahimpatnam to get a favorable report; she alleges that though third respondent locked the house after death of her daughter, but

failed to take note of the complaint of the petitioner that 4th respondent has a key to the house and that after getting bail, 4th respondent took all gold and gifted articles and household goods and though same was informed to the police, police kept quiet. Petitioner alleges that 4th respondent managed Mr V.Swamy, Inspector of Police, who was investigating into the crime.

4. In other words, grievance of the petitioner is police failed to note the complaint lodged by the petitioner that her daughter was murdered and it was not a case of suicide and they were under the influence of respondents 4 to 8.

5. In the counter affidavit deposed by Mr.P Guruva Reddy, Inspector of Police, Ibrahimpatnam police station, the allegations made by the petitioner in the affidavit filed in support of the writ petition are denied. In the counter, respondents explained the steps taken by them after crime was registered on the complaint lodged by the petitioner on 26.7.2018 leading to filing of charge sheet on 30.10.2018 in the Court of IV Metropolitan Magistrate, Ibrahimpatnam and that the Court assigned PRC No.19 of 2018. According to investigation, police found that it was a case of suicide. The deceased committed suicide due to harassment and cruelty meted out by her husband, demanding additional dowry and subjecting her to immense mental trauma.

6. Thus, investigation was completed on 30.10.2018 itself and charge-sheet was also filed in the Court. Petitioner now seeks reinvestigation into the crime.

7. The averments in the counter affidavit would disclose that complaint filed by the petitioner before the Commissioner, Rachakonda police was entrusted to Deputy Commissioner of Police, L B Nagar. The Deputy Commissioner of Police has examined the case diary and found that investigation was conducted in impartial and sincere manner and there was no foul play. He opined that offence under Section 302 of IPC is not attracted in the case and allegation that deceased was killed by accused and her brothers by strangulation was not correct. In support of their stand, on the cause of death, police relied on the opinion of the Medical Officer, who said, "sudden hanging causing right lateral 1/3rd Hyoid bone leading to asphyxia and congestion of carotid vessel leading to cardio respiration arrest and death".

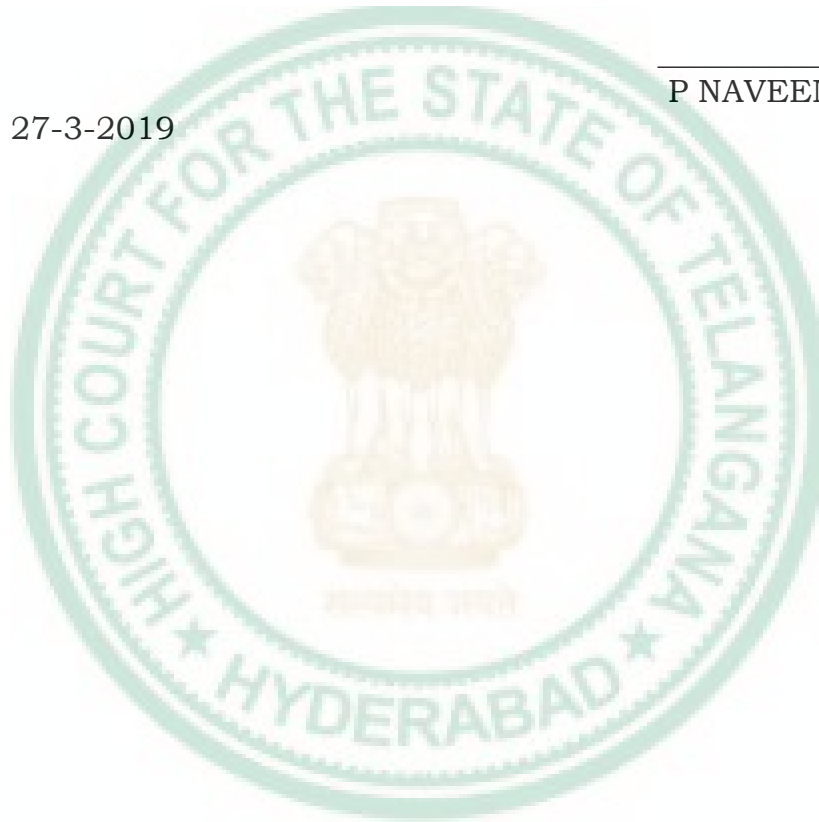
8. It is thus apparent that police have conducted investigation and filed charge-sheet. The allegations leveled by the petitioner in her complaint to the Commissioner were looked into and found no truth in the said allegations. In response to the complaint filed by the petitioner before the Commissioner, on 28.2.2019 intimation was given to the petitioner about the steps taken by police.

9. Matter is now pending before the competent Court. Merely because Police have indicated in the charge-sheet about offence attracting Section 498-A and Section 306 of IPC, is not final. It is only a final report and it is ultimately for the Magistrate to examine the record and take cognizance of the offence and while taking cognizance of the offence, it is for the concerned Court to add or delete appropriate provisions of law.

10. It is not a case of apparent negligence on the part of Police, for this Court to interfere and direct reinvestigation into the allegations leveled by the petitioner in her complaint to the Commissioner of Police, Rachakonda Police. Since, an intimation is already given on the steps taken by the respondents, if petitioner is not satisfied with the information furnished to her, it is open to petitioner to work out her remedies as available in law. Accordingly, the Writ Petition is dismissed. No costs. Miscellaneous petitions, if any pending, are closed.

DATE: 27-3-2019
TVK

P NAVEEN RAO,J



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