

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.6268 OF 2019

DATED :15.04.2019

Between :

Korrivi Kishan

..

Petitioner

And

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

..

Respondents



This court made the following :

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.6268 OF 2019

ORDER :

Heard.

2. Petitioner alleges that his elder son K.Anil Kumar died on 31.12.2018 midnight in suspicious circumstances. The petitioner further alleges that a person by name Yamjala Srikanth came to his son and asked him to come along with him as Yamjala Siva and Yamjala Sanjeeva wanted to speak to him and took him forcibly in a motorcycle. He later received information that his son sustained grievous head injuries and died on the spot. The petitioner and his younger son rushed to the spot. At that stage, impression was created that death occurred due to accident of the vehicle as the motor vehicle lost its control and his son fell on rocks, therefore he sustained grievous injuries resulting in his death. Thus, the younger son of the petitioner was made to give the complaint treating it as an accidental death. Having come to know that it was not an accident but it was a case of murder, the petitioner made a complaint on 23.02.2019 requesting the police to register the crime against the persons named therein under Section 302 IPC. Alleging inaction to register the crime, this Writ Petition is filed.

3. Two things to be noted here. Firstly, complaint was filed alleging death occurred due to accident and the same was registered by the police as Crime No.2 of 2019 on 01.01.2019. On 23.02.2019, petitioner claims to have filed another complaint. Alleging inaction by the police, this Writ Petition is

filed within few days thereafter. Hence, it cannot be said that police are negligent in considering the complaint lodged by the petitioner on 23.02.2019. Secondly, according to the learned Government Pleader, investigation is not completed. Further, crime was already registered. Therefore, at this stage question of registration of another crime on the same incident would not arise. At the most, police can treat the representation/complaint of the petitioner dated 23.02.2019, as the statement given by him under Section 161 Cr.P.C. and take note of the said statement in the process of investigation into the crime reported on 01.01.2019. Thus, it cannot be said that police are negligent in acting on the subsequent complaint.

4. Thus, police are directed to take into consideration the complaint/representation made by the petitioner on 23.02.2019, since the same is already received by them, as the statement given by the petitioner on incident occurred in the midnight of 31.12.2018, in the process of investigation in Crime No.2 of 2019.

5. Accordingly, the Writ Petition is disposed of. No costs.

6. Pending miscellaneous petitions, if any, shall stand closed.

15th April, 2019
vhb

P.NAVEEN RAO, J