

THE HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.32257 of 2014

ORDER:

Heard learned counsel for the petitioner as well as learned Government Pleader appearing for the respondents 1 to 5.

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

“...to issue an appropriate Writ order or directions more particularly one in the nature of Writ of Mandamus declaring the action of Respondents No.6 to 9 as illegal, arbitrary, unconstitutional and violation of Article 14, 21 of Indian Constitution and

a) Directing the Respondents No.6 to 9 not to interfere with the personal life and liberty of the Petitioner, not to harass and not to implicate him in false cases.

b) Directing the Respondents No.2 to 5 to make an enquiry and to take appropriate action against the Respondents No.6 to 9 for their illegal acts and unlawful private settlements, and to provide protection to the Petitioner.

c) And pass necessary order orders as this Hon'ble Court may deem fit and proper in the circumstances of the case, and in the interest of justice.”

3. The 5th respondent filed a counter-affidavit denying the averments made in the affidavit filed in support of the writ petition and contended *inter alia* that one Mr.Ch.China Mallaiah, S/o.Pochaiah, R/o.Chowdaram Village of Chinnakodur Mandal, Medak District, approached Chinnakodur Police Station and lodged a complaint against the writ petitioner herein on 05.09.2014 stating that his elder son by name Ch.Raghuveer, aged about 22 years, was suffering from ill-health since six months. On approaching the petitioner, who is a gold smith by profession, advised that his elder son Ch.Raghuveer is influenced by black-magic, hence, the illness. To get rid of this and make him perfectly right in all sorts of health, he

had to perform pooja, for which he has demanded Rs.35,000/-. Upon which, the complainant agreed to pay Rs.30,000/- to the petitioner for treatment of his son and also given the said amount. Later, the petitioner had given one silver pendant to his son and asked to be adorned for a total of 41 days parallelly perform some witchcraft offerings, but it did not work out. In fact, his son's health further deteriorated and owing to his serious illness, he was shifted to Yashoda Hospital, where the Doctors diagnosed that the son of the petitioner was suffering from acute glaucoma. Thereby, the petitioner has cheated the complainant. Pursuant to the said complaint, a case in Crime No.148 of 2014 under Section 420 IPC was registered on the file of the Chinnakodur Police Station on 05.09.2014 and investigation was taken up. During the course of investigation, examined the complainant and other witnesses and recorded their detailed statements. As per the evidence, a prima facie case was made out against the petitioner that he has committed the offence punishable under Section 420 IPC. When the Investigating Officer tried to serve the notice under Section 41-A Cr.P.C. on the petitioner, to prevent the police from taking any action and to escape from the criminal liability, the petitioner rushed to this Court and filed the present writ petition with baseless allegations.

4. Learned Government Pleader on oral instructions informed this Court that after completion of investigation, a charge was filed and the same was taken on record, vide C.C.No.46 of 2015. When the matter

was pending trial, the parties have compromised on 16.04.2018 before the Lok Adalat.

5. In that view of the matter, this Court is of the opinion that there are no merits in the writ petition and the same is liable to be closed.

6. Accordingly, the writ petition is closed. No order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

6th December 2019
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P. KESHA VA RAO, J

