

HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION NO.23152 OF 2019

ORDER:

This Writ Petition is filed questioning the action of the official respondents in not registering the FIR under Section 302 IPC by altering the Section under which the accused have been charged in Crime No.367 of 2019 dated 08.08.2019 on the file of Keesara Police Station, Rachakonda District, as being illegal and arbitrary.

Heard the learned Counsel for the petitioner and learned Assistant Government Pleader for Home.

Learned Assistant Government Pleader for Home, on written instructions dated 24.10.2019, would submit that based on the complaint lodged on 08.08.2019 with respondent No.6, the authorities have registered a case in Crime No.367 of 2019 against respondents 7 to 11 in the present Writ Petition as accused (A-1 to A-4) and took up investigation. During the course of investigation, nine witnesses were examined and recorded their detailed statements. Inquest was conducted over the dead body of the deceased on a requisition given by the Tahsildar. Later, the dead body was handed over to the complainant and his family members under proper acknowledgment. As per the post mortem examination report dated 09.08.2019, it revealed that the cause of death was due to hanging. Accused (A-1 to A-4)

were arrested and sent to judicial custody, whereas the allegation against one Aadi Laxmi has not been established.

Learned Assistant Government Pleader for Home on the basis of the above written instructions submits that as the investigation revealed that Accused Nos.1 to 4 were physically harassed the deceased for additional dowry, due to which, she committed suicide, as such the accused were liable to be punished under Section 304-B IPC. After finalizing the investigation, charge sheet was filed on 21.10.2019 against the accused 1 to 4 before the XVII Additional Metropolitan Magistrate, Malkajgiri and PRC number is awaited.

Inasmuch as the charge sheet has already been filed in the above crime, if the petitioner is aggrieved by the provisions under which the accused are charged, it is always open for the petitioner to approach the court below where the case is pending by filing protest petition therein.

Having regard to the facts and circumstances of the case, leaving it open for the petitioner to approach the appropriate forum by availing remedies in accordance with law, no further orders need be passed in the present writ petition.

Accordingly, the Writ Petition is disposed of. No order as to costs.

The miscellaneous petitions pending, if any, shall also stand dismissed.

T. VINOD KUMAR, J

Date: 21.11.2019.

MRKR

