

HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.23514 of 2019

ORDER:

The present Writ Petition is filed seeking to declare the inaction of respondent No.3 in investigating into Crime No.362 of 2019, dated 14.10.2019, and Crime No.373 of 2019, dated 18.10.2019, on the file of Bodhan Police Station, Nizamabad District, as illegal and arbitrary.

Learned Assistant Government Pleader for Home placed before this Court a copy of the written instructions, dated 30.10.2019, of the Sub-Inspector of Police, Bodhan Town Police Station, Nizamabad District and submits that the allegations of the petitioner in the affidavit, filed in support of the Writ Petition, are incorrect.

It is stated in the written instructions that in the course of investigation in respect of Crime No.362 of 2019, four witnesses, viz., LWs.1 to 4 were examined and their statements were recorded; that the Police visited the scene of offence and prepared a scene of offence panchanama; that based on the evidence collected, Sections 435 and 201 IPC were added; and that the case is under further investigation for collection of evidence.

It is further stated that so far as Crime No.373 of 2019 is concerned, the same was registered on 18.10.2019; that in the course of investigation, L.Ws.1 and 2 were examined and their statements were recorded; that the Police also visited the scene of offence and prepared a scene of offence panchanama; and that the case is under further investigation for collection of evidence.

From the above, this Court is of the opinion that it would be totally incorrect to state that after registering the aforesaid Crimes, respondent No.3 did not investigate into the matters inasmuch as Crime No.362 of 2019, which was registered against the accused for the offences under Sections 448, 427, 342 and 506 read with Section 34 IPC, was subsequently altered by adding Sections 435 and 201 IPC after respondent No.3 took up the investigation and recorded the statements of L.Ws.1 to 4.

Therefore, it would be highly inappropriate for this Court to interfere at this stage of investigation and accordingly, this Court is of the view that it should be left open to the Police to complete further investigation and file charge sheets in the aforesaid Crimes if any offence is made out against the accused.

Accordingly, this Writ Petition is closed.

As a sequel, Miscellaneous Petitions, if any, pending shall stand dismissed. No order as to costs.

JUSTICE T.VINOD KUMAR

01st November, 2019
dr