

HONOURABLE SRI JUSTICE P. KESHA VA RAO

WRIT PETITION No.28024 OF 2013

ORDER:

There is no representation on behalf of the petitioner.

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

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Court may be pleased to issue any writ order or direction more particularly one in the nature of Writ of MANDAMUS declaring the action of the respondents in not closing the Crime No. 239/2013 on the file of the 3rd respondent pursuant to the letter dated 11.09.2013 and summoning the petitioner to the police station under the guise of investigation as arbitrary, illegal, bad in law, violative of Article 21 of the Constitution of India and consequently direct the respondents to close the crime No. 239/2013 on the file of 3rd respondent herein and pass an appropriate order and pass such other order or orders as deemed fit and proper in the circumstances.”

3. Learned Government Pleader for Home appearing for the respondents 1 to 3 placed on record the written instructions dated 15.09.2019 issued by the Inspector of Police, II Town Police Station, Khammam. Perusal of the said written instructions would indicate that the petitioner lodged a complaint with the 3rd respondent about the missing of his brother Miryala Venugopal who incurred debts and left the house without informing anybody. On 10.06.2013 the petitioner approached the 3rd respondent-police station and lodged a complaint stating that on 08.06.2013 at 6.30 a.m. his younger brother left the house saying that he is going to Railway Station to drop his friend who is going to Tirupati, but he did not return to the house. On receiving information from his sister-in-law Swaroopa, he came to Khammam and enquired with his relatives and friends, but did not get any information about his younger brother. On the complaint lodged by the petitioner, a case in Crime No.239 of 2013

was registered under the heading 'Man Missing' and investigation was taken up. The investigation conducted revealed that the complainant/LW-1 is a resident of Suryapeta, Nalgonda District. The missing person is his brother who is resident of Mamillagudem, Khammam. As the missing person recently incurred lot of debts and facing financial problems, became depressed and left the shop on 08.06.2013 at 6.30 a.m. The investigating officer filed a requisition before the Sub-Divisional Police Officer with a request to refer the case as 'action dropped'. Accordingly, the said officer issued orders vide C.No.920/SDO-KMM/2013, dated 18.12.2013. Thereafter, the investigating officer filed final report before the I Additional Judicial First Class Magistrate praying to treat the case as 'action dropped' and issue appropriate proceedings. After filing of the final report, the investigating officer or any police official of Police Station, Khammam II Town never called the petitioner or missing person to come to the police station and never asked the petitioner to produce the missing person as stated by the petitioner.

4. 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 dismissed.

5. Accordingly, the writ petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, shall also stand dismissed.

P. KESHA RAO, J

Date: 16.09.2019.
ccm

HONOURABLE SRI JUSTICE P. KESHAVA RAO



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ccm