

THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION NO.13256 OF 2013

ORDER:

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

The prayer sought in the Writ Petition is as under:-

“...to issue an appropriate Writ, Order or Direction, more particularly one in the nature of writ of Mandamus declaring the action of the respondent Nos.4 and 5 herein in not investigating into Crime No.250 of 2011 though the said crime is registered way back on 29.12.2011 and in spite of the specific directions from the A.P. State Commissioner for SCs & STs, vide Letter Rc.No.S3/6573/HYD-A/SC/2011 dated 29.12.2011 and Rc.No.S3/6573/HYD-A/SC/2011 dated 13.03.2011 as being illegal, arbitrary, unjust and unconstitutional and consequently direct the respondent Nos.1 to 3 herein to take appropriate action against the Respondent Nos.4 and 5 for failure to discharge their duties while directing the Respondent Nos.4 and 5 to complete the investigation and to take action in accordance with law, and to grant such other relief or reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Learned Government Pleader placed on record the written instructions dated 01.06.2013 issued by the Sub-Inspector of Police, Nampally Police Station, which are made part of the record.

From a perusal of the said written instructions, it is evident that one Sankuru Narendra Babu i.e. the petitioner

herein lodged a complaint leading to registration of a case in Crime No.250 of 2011 for the offence punishable under Section 3(i)(x) of the SCs & STs (POA) Act, 1989, on the file of Nampally Police Station, Hyderabad against the 6th respondent herein. Pursuant to registration of the above said crime, the Assistant Commissioner of Police, Saifabad Division, Hyderabad, conducted investigation. During the investigation, the said officer examined nine witnesses and recorded their detailed statements. It is also mentioned in the written instructions that the investigation revealed that the complainant/petitioner lodged a false complaint. On 18.01.2012, the Additional Public Prosecutor, after going through the Case Diary, filed his opinion that the case may be referred as 'lack of evidence'. After obtaining permission from the Commissioner of Police, Hyderabad, vide No.L&O/M1/933/2012 dated 13.04.2012, final report was filed on 02.05.2012 before the Court of the XII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, vide S.R.No.2612/2012 referring the case as "Lack of Evidence". A copy of the notice and the final report were enclosed to the written instructions.

In view of the said instructions and since the grievance of the petitioner herein is the inaction on the part of the respondent-police in investigating Crime No.250 of 2011, this Court is of the opinion that no further cause would survive in the Writ Petition.

Accordingly, the Writ Petition is dismissed.

There shall be no order as to costs. Miscellaneous applications, if any, pending shall stand dismissed.

(P.KESHAVA RAO, J)

23rd September 2019
RRB

