

THE HONOURABLE SRI JUSTICE P. KESHA VA RAO

WRIT PETITION No.31210 of 2014

ORDER:

Heard learned counsel for the petitioner as well as learned Government Pleader appearing for the respondents 1 to 3.

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

“ ... to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents No.3 and 4 in harassing the petitioner since August 2013 though there is no crime is registered against the petitioner as on today as illegal, arbitrary, and violation of Article 21 of the Constitution of India and issue consequential direction to the respondents No.3 and 4 not to harass the petitioner and pass such other order or orders as this Hon'ble Court deems fit and proper. ”

3. Learned Government Pleader placed on record the written instructions issued by the Sub-Inspector of Police, Alwal Police Station, Cyberabad Commissionerate.

4. From a perusal of the said written instructions, it is revealed that one R.Vittal Rao, retired Government employee, R/o.Alwal, approached the police of Alwal Police Station and lodged a complaint on 16.07.2014 stating that he has two sons and two daughters and they are all married and living their lives. But, his younger son, by name, T.V.Prabhakar Rao, i.e., the petitioner herein, was not doing any work and living with his wife and children by his support since 20 years. His son got married in the year 2007 and then onwards he was addicted to alcohol, for which he has taken money from him by way of harassing. It is also mentioned in the complaint that his younger son is harassing him and his wife mentally and also abused them in

filthy language and for the said acts, the wife of his younger son also supporting. On 10.07.2014, his younger son abused him and his wife in filthy language and attacked them with iron rods and threatened them with dire consequences. Therefore, he requested the police to take necessary action. Basing on the said complaint, a case in Crime No.665 of 2014 for the offence under Sections 506 and 509 IPC was registered on the file of the 3rd respondent Police Station and investigation was taken up. During the course of investigation, the respondent police examined the father of the petitioner herein and other witnesses and recorded their detailed statements. Basing on the evidence, a *prima facie* case is made out that the petitioner/accused has committed the offences punishable under Sections 506 and 509 IPC. The Investigating Officer arrested the petitioner on 16.10.2014 and on interrogation, he voluntarily confessed to have committed the offence. However, no evidence against the wife of the petitioner is established, hence, her name was deleted from the array of the accused. The petitioner/accused was arrested on 10.10.2014 and remanded to judicial custody.

5. Learned Government Pleader also brought to the notice of this Court that after completion of investigation, charge sheet was filed before the learned VI Metropolitan Magistrate, Secunderabad at Medcal, on 16.10.2014.

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 closed.

However, it is brought to the notice of this court that a charge sheet is already filed, it is open for the petitioner to raise his objections by way of filing a protest application as per law before the concerned Court.

5. With the above said observation, the writ petition is closed. No order as to costs.

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

19th December 2019

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P. KESHA VA RAO, J

