

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

Writ Petition No.32320 of 2018

ORDER:

The present writ petition is filed to declare the action of respondents 3 to 5 in not registering the case based on the representation dated 23.04.2018 against the respondents 6 and 7 for cognizable offence, as being illegal and arbitrary and also for not causing pre-litigation settlement between 6th respondent and 8th & 9th respondents.

Heard Sri M. Praveen Kumar, learned counsel for the petitioner and the learned Assistant Government Pleader for Home appearing for official respondents 1 to 5.

The learned Assistant Government Pleader for Home, on written instructions of 5th respondent, dated 22.10.2018, which is placed on the record of this Court, would submit that two crimes have been registered against the petitioner herein along with the 6th respondent, vide Crime Nos.119 and 207 of 2018. In order to get over the said crimes registered against the petitioner, the petitioner has filed the present writ petition to prevent the police authorities from investigation into the crimes. He further submits that the petitioner being aware of the threat looming large on him, in order to protect himself has filed a representation dated 23.04.2018 to the Commissioner of Police against the 6th respondent. Upon receipt of the said representation, the Commissioner of Police has endorsed on it and forwarded the same to the

3rd respondent-Station House Officer, Khammam III Town Police Station for enquiry and report, vide No.175/CCC/Comp/2018, dated 23.04.2018, whereupon, a detailed enquiry was conducted on the representation of the petitioner herein.

The learned Assistant Government Pleader for Home submitted the enquiry that has been conducted on the basis of the complaint made by the petitioner, clearly revealed that the allegations made by the petitioner in his representation are false and hence, no further action is needed on it and accordingly, a detailed report was submitted to the Commissioner of Police, Khammam on 10.06.2018. A copy of the said enquiry report has been placed before this Court for perusal.

The learned Government Pleader for Home would further submit that to escape from the criminal overt acts along with other accused named in the FIR, the petitioner has been filing the representations to the concerned authorities and has also approached this Court by filing Writ Petition No.23165 of 2018 on the similar set of averments, only to prevent the authorities from investigating into the crimes and the role of the petitioner, and prays for dismissal of the writ petition.

Perused the material on record and the detailed enquiry report placed before this Court and having regard to the submissions made, this Court is of the *prima facie* view that

the petitioner is not merely an employee of the respondent No.6 as being claimed. On the other hand, the enquiry conducted reveals that the petitioner and respondent No.6 are friends and together hatched plan for collecting monies from the innocent person on the pretext of securing jobs to such persons. Thus, the petitioner has acted as an accomplice of respondent.6 in the entire *modus operandi* of collection of money. The said fact has also been admitted by the petitioner himself in the complaint made to the police authorities. Though, on the basis of the said complaint, the petitioner is seeking to project that the said amounts collected from various people have been passed on to the respondent No.6, the involvement of petitioner in the entire scheme of things cannot be ruled out without detailed investigation into the crimes registered against the petitioner.

Accordingly, this Court is of the view that no interference is called for by interdicting the official respondents from investigating into the two crimes registered against the petitioner.

In so far the direction to the police authorities to investigate into complaint made by the petitioner, this Court is of the view that no case is made out for issuance of such direction, except observing that the authorities will have regard to the contents of the petitioner's complaint also while investigating into the crimes registered against the petitioner and others.

Except to the above observation, this writ petition is dismissed. However, there shall be no order as to costs.

As a sequel thereto, Miscellaneous Applications, if any, pending in this writ petition shall stand closed.

Date: 13.11.2019
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T. VINOD KUMAR, J

