

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

TUESDAY, THE THIRTEENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY

**PRESENT
THE HONOURABLE SRI JUSTICE P. NAVEEN RAO**

WRIT PETITION NO: 15987 OF 2020

Between:

K.Yadagiri, S/o Venkataiah, aged about 46 years, Occ Lab Testing Operator, R/o Flat No. 301, Marti Sal Residency, Shiva Ganga Colony, L.B.Nagar, Hyderabad

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Home Department, Secretariat, Hyderabad.
2. The Commissioner of Police, Hyderabad City, office at Basheerbagh, Hyderabad
3. The Assistant Commissioner of Police, Kanchanbagh, Hyderabad.
4. The Station House Officer, Kanchanbagh Police Station Hyderabad
5. Shankar Kumar, S/o not known to the Petitioner, Occ Deputy Manager (Midhani Company) o/o AMTL Company, Hyderabad

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the inaction of the respondent Nos.3 and 4 in conducting investigation into FIR No. 59/2020 for the offence U/Sec. 3(1)(q)&(s) of SC ST (POA) Act, 2015 and Sec.506 of I.P.C. though the said case is registered on 2-3-2020 as as being illegal, arbitrary, unjust and contrary to the provisions of Sec.7 of SC/ST (POA) Act and consequently direct the respondent Nos. 3 and 4 herein to complete the investigation and file charge sheet as expeditiously as possible.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondent Nos. 3 and 4 herein to forthwith arrest the 5th respondent herein who is the accused in FIR No. 59/2020 for the offence U/Sec. 3(1)(q)&(s) of SC ST (POA) Act, 2015 and Sec. 506 of I.P.C. pending disposal of the main Writ Petition

Counsel for the Petitioner : SRI. CH.BUCHI RAJU

Counsel for the Respondent Nos.1 to 4 : AGP FOR HOME

Counsel for the Respondent No.5 : --

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.15987 OF 2020

ORDER:

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Home.

2. Petitioner was appointed as Lab Testing Operator in Aeronautical Material Testing Laboratory in Midhani Company. He filed W.P.No.26713 of 2015 praying to grant regularization of his services. According to petitioner, during the pendency of the said writ petition, on 29.01.2020, he was forced to write a letter in the form of resignation from service. Having realized that the said letter written by him is in the form resignation and as he did not intend to resign, he approached the Deputy Manager of Midhani Company, respondent No.5, and requested him to withdraw the unsigned letter and to reinstate him into service. Petitioner alleges that respondent No.5 humiliated him on caste lines and threatened him with dire consequences. Petitioner therefore lodged complaint in Kanchanbagh Police Station. Based on the complaint filed by the petitioner, Crime No.59 of 2020 was registered under Section 506 of I.P.C. r/w Section 3(1)(q)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the Act'). This writ petition is filed contending that even though the crime was registered on 02.03.2020, there is no progress in the investigation causing hardship and humiliation to the petitioner.

3. When the writ petition is taken up, learned Assistant Government Pleader, on instructions, submits that petitioner raised objection against the investigating officer stating that the

complainant and the investigating officer belong to the same caste. Duly taking note of the said objection, on 14.09.2020, the investigation was transferred to Sri B. Anand, the Assistant Commissioner of Police, Mir Chowk Division, and the said officer is now investigating into the crime. Learned Assistant Government Pleader sought to justify the delay in completing the investigation.

4. Thus, while petitioner complains against inordinate delay in investigating into crime reported under the Act, the respondent – police attribute cause for delay in investigation due to the complaint against the investigation officer and therefore the investigating officer has to be changed which consumed some time.

5. The Court is not expressing any opinion on this aspect, at this stage. Section 14 of the Act vests power in the Special Court to take cognizance of the offence reported under the Act. Section 4 of the Act prescribes time line for completing the investigation. Whenever a crime is reported alleging violation of the provisions of the Act, the investigation has to be completed and charge sheet has to be filed in a Special Court within a period of 60 days. If there is delay in investigation and filing charge sheet, the investigating officer has to explain reasons for the delay. If the Special Court is of the opinion that there is willful neglect of duties required to be performed by a public servant under the Act and the Rules made thereunder. Section 4(3) of the Act vests power to take cognizance in respect of any dereliction of duty and to initiate penal proceedings against such public servant. Thus, it is for the Special Court to see whether there is delay in investigation and filing charge sheet and whether such delay would amount to

deliberate and willful neglect of duties. Therefore, the relief sought for by the petitioner cannot be granted in this writ petition filed under Article 226 of the Constitution of India and he has to avail the remedies before the Special Court.

6. Having regard to the statutory provisions, noted above, the writ petition is disposed of granting liberty to the petitioner to avail the remedies provided under the Act. Pending miscellaneous petitions shall stand closed.

SD/-K.SAILESHI
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To

1. The Principal Secretary, Home Department, State of Telangana, Secretariat, Hyderabad.
 2. The Commissioner of Police, Hyderabad City, office at Basheerbagh, Hyderabad
 3. The Assistant Commissioner of Police, Kanchanbagh, Hyderabad.
 4. The Station House Officer, Kanchanbagh Police Station Hyderabad
 5. One CC to Sri. Ch.Buchi Raju, Advocate [OPUC]
 6. Two CCs to GP for Home, High Court for the State of Telangana at Hyderabad [OUT]
 7. Two CD Copies
- Kj.



HIGH COURT

DATED:13/10/2020



ORDER

WP.No.15987 of 2020

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS.

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21/10/20
A-4