HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY ,THE EIGHTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO: 23069 OF 2020

Between:

Poshala Venkateswarulu, S/o P. Sri Hari, aged 50 years, R/o Ellanda Village, Vardhannapet Mandal, Warangal Rural District

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Seereiary, Home Department, Secretariat Buildings, Hyderabad.
2. The District Superintendent of Police, Warangal Rural District.
3. The Station House Officer, Vardhannapet Police Station, Warangal Rural District
4. The Sub-Inspector of Police, Vardhannapet Police Station, Warangal Rural District.
5. Battu Murali Babu, S/o. Ramaiah, Aged major, Occ. Agriculture, R/o. Ellanda Village Village, Wardhannapet Mandal, Warangal Rural District.
6. Smt Satthupalli Samakka, W/o Aged major, Occ. Agriculture, R/o. Ellanda Village Village, Wardhannapet Mandal, Warangal Rural District.
7. Satthupalli Uppalaiah, S/o Aged major, Occ. Agriculture, R/o. Ellanda Village Village, Wardhannapet Mandal, Warangal Rural District.
8. Sathupalli Baskar, S/o Aged major, Occ. Agriculture, R/o. Ellanda Village village, Wardhannapet Vandal, Warangal Rural District
9. Ponnala Neelamma, W/o Aged major, Occ. Agriculture, R/o. Ellanda Village Village, Wardhannapet Mandal, . Warangal Rural District.
10. Smt Mallepaka Shantha, W/o Yakaiah Aged major, Occ. Agriculture, R/o. Ellanda Village Village, Wardhannapet Mandal, Warangal Rural District.
11. Mallepaka Raju, S/o Yakaiah Aged major, Occ. Agriculture, R/o. Ellanda Village Village, Wardhannapet Mandal, Warangal Rural District.
12. Smt. Sathupalli Mallamma, W/o Yallaiah Aged major, Occ. Agriculture, R/o. Ellanda Village Village, Wardhannapet Mandal, Warangal Rural District.
13. Smt Mallepaka Venkata Lakshmi, W/o Pedda Sailu Aged major, Occ. Agriculture, R/o. Ellanda Village Village, Wardhannapet Mandal, Warangal Rural District.
14. Mallepaka Babu, S/o Aged major, Occ Agriculture, R/o. Ellanda Village Village, Wardhannapet Mandal, Warangal Rural District.
15. Mallepaka Upendra, W/o Chinna Yakaiah Aged major, Occ. Agriculture, R/o. Ellanda Village Village, Wardhannapet Mandal, Warangal Rural District.
16. Manda Sampath, S/o Sailu Aged major, Occ. Agriculture. R/o. Ellanda Village Village, Wardhannapet Mandal, Warangal Rural District
17. Ponnala Sammaiah, S/o Aged major, Occ. Agriculture, Ellanda Village Village, Wardhannapet Mandal, Warangal Rural District.
18. Mallepaka Rajitha, D/o Yellaiah Aged major, Occ. Agriculture, R/o. Ellanda Village Village, Wardhannapet Mandal, Warangal Rural District.
19. Sathupalli Shankar, S/o Mallaiah Aged major, Occ. Agriculture, R/o. Ellanda Village Village, Wardhannapet Mandal, Warangal Rural District

...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 a writ or order or direction, more particularly one in the nature of writ of Mandamus declaring the inaction on the part of the respondent No. 4 herein in not making further investigation in crime No. 166/2020

dated 07/09/2020 to arrest the respondents 5 to 19 herein and to file charge sheet before the Magistrate concerned is highly illegal, arbitrary, and unconstitutional being violative of articles 14 and 21 of the Constitution of India and also violative of principles of natural justice and consequently direct the respondent No. 4 herein to investigate into the Crime No. 166/2020, dated 07/09/2020 on the file of P.S. Wardhannapet, Warangal Rural District, arrest the respondents 5 to 19 herein and to file the charge sheet in the said crime.

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 No. 4 herein to provide police protection to the petitioner herein to enable him to enter into his agricultural lands for doing agricultural operations, pending disposal of the writ petition, in the interest of justice.

Counsel for the Petitioner : SRI K. SRINIVAS
Counsel for the Respondent Nos.1 to 4: AGP FOR HOME
Counsel for the Respondent Nos.5 to 19:----------

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.23069 OF 2020

ORDER:

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

2. This writ petition is filed alleging that even though on the crime reported by petitioner, crime No.166 of 2020 was registered, but so far respondents have not arrested respondent Nos 5 to 19, have not filed charge sheet and said action of the respondents is illegal and respondents be directed to conduct further investigation.

3. As fairly submitted by learned counsel for petitioner, so far, investigation is not completed. Thus even before investigation is completed, question of going into the manner of conducting investigation and ordering for conducting of further investigation does not arise. As held by the Hon'ble Supreme Court consistently, once crime is registered, full discretion is vested on police authorities to conduct investigation and take measures as required in completing the investigation. In the process of investigation, it is also open to police to arrest the accused, if necessary. But even before investigation is completed and appropriate steps are taken, this Court cannot interdict the process and monitor the progress and direct the respondent-police to conduct further investigation.

4. As consistently held by this Court and the Hon'ble Supreme Court more particularly in **M.Subramaniam and another v.**

S.Janaki and another[1], in all matters concerning investigation, any person has grievance, he has to avail remedies provided by the Code of Criminal Procedure.

5. Granting said liberty, this writ petition is dismissed. Miscellaneous petitions, if any pending, stand closed.

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[1] 2020 SCC online S.C.341

SD/-K.AMMAJI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to Sri K. Srinivas, Advocate [OPUC]
2. Two CCs to GP for Home, High Court for the State of Telangana at Hyderabad. [OUT]
3. Two CD Copies

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HIGH COURT

DATED:18/12/2020

ORDER

WP.No.23069 of 2020



DISMISSING THE WP

WITHOUT COSTS

SSV
5 copies
D-28/12/2020