

THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION No.35050 of 2014

ORDER:

Heard the learned counsel for the petitioners as well as the learned Government Pleader.

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

'For the reasons stated in the writ affidavit the petitioner pray the Hon'ble Court may be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not providing police protection to the lives of the petitioners and their agriculture lands from the respondents 4 and 5 and their family members and in not expediting the investigation into the complaints filed by the petitioners as against 4th and 5th respondents and their family members in Crime No.35/2013 and 41/2013 on the file of Police Station, Siddapur of Achampet Mandal, Mahabubnagar District and file final report in the said two cases as illegal, unlawful and contrary to law and consequently direct the respondents to expedite the investigation into the above two complaints and filed final report and also provide police protection to the petitioners and their property from the hands of the respondents 4 and 5 and their family members, and pass such other order or orders which are necessary in the interest of justice.'

3. During the course of hearing, the learned Government Pleader placed on record the written instructions issued by the third respondent. From the perusal of the said instructions, it is revealed that the petitioners on an earlier occasion filed W.P.No.29335 of 2014 seeking the very same relief as sought in the present writ petition and that the same is pending adjudication before this Court. Again, with the same set of facts, the petitioners filed the present writ petition.

4. It is further stated in the written instructions that pursuant to the complaint lodged by the petitioners, a case in Crime No.35 of 2013 for the offences punishable under Sections 447, 324, 323, 504, 506 read with Section 34 IPC was registered on 14.09.2013 against Kotte Mallaiah, Kotte Srinivasulu, Kotte Madhu and Kotte Gouraiah, residents of Inole Village,

Achampet Mandal. During the course of investigation, it was established that A1 to A4 have committed the offences mentioned in the FIR and accordingly they were arrested on 23.09.2013 and later they were remanded to judicial custody. After completion of investigation, a charge sheet was filed against A1 to A4 before the Judicial Magistrate of First Class, Achampet, and that the said case was taken on file as C.C.No.1 of 2014, which is pending trial.

5. It is also further mentioned in the written instructions that the petitioners herein filed a private complaint under Section 200 Cr.P.C. on the file of the Judicial Magistrate of First Class, Achampet, against Katte Malaiah and four others who were also arrayed as accused in Crime No.35 of 2013. Upon receipt of the said private complaint from the Court, a case in Crime No.41 of 2013 for the offences punishable under Sections 452, 307 read with 109 IPC was registered and investigation was taken up. During the course of investigation, the petitioners and other witnesses were examined and recorded their detailed statements and that a *prima facie* case was not made out against the accused in the said crime since they have not committed any offences mentioned in the FIR. The written instructions further states to the effect that the allegations made in the private complaint are false since already a case in Cr.No.35 of 2013 against the very same accused was registered and they are facing trial in C.C.No.1 of 2014. After completion of investigation, permission was also obtained from the Sub-Divisional Police Officer, Nagarkurnool, to refer the complaint of the petitioners as 'false'. Accordingly, a final report was also filed before the Judicial Magistrate of First Class, Achampet, on 24.11.2014.

6. 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 dismissed.

7. Accordingly, the writ petition is dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE P.KESHAHA RAO

Date:08.01.2020

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