

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.27738 of 2019

ORDER:

This writ petition is filed questioning the action of respondents 2 to 4 in not registering a case under Section 306 IPC against respondents 5 to 9, but registering a case in Crime No.319 of 2019 on the file of Matwada Police Station, under Section 498-A IPC and Section 3(x) of the Scheduled Tribes and Scheduled Casts (Prevention of Atrocities) Act, 1989, and in not conducting investigation in Crime No.319 of 2019 along with Crime No.179 of 2019, as illegal and arbitrary.

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

3. Learned counsel for the petitioner submits that the main grievance of the petitioner in the present writ petition is as to the inaction of the official respondents in including the charge under Section 306 IPC.

4. The issue in so far as inclusion of the charge is concerned, the petitioner has to approach the appropriate forum. However, since based on a single incident, two crimes are registered, one at the instance of the petitioner and the other at the instance of the 5th respondent, being Crime No.319 of 2019 and Crime No.179 of 2019, respectively, and since, both the crimes registered relate to the suicidal death of petitioner's husband and the son of the 5th respondent, this Court is of the view that, it would be appropriate, if a direction is given to the 2nd respondent to entrust the investigation into both the crimes to one authority.

5. Learned Assistant Government Pleader for Home has no serious objection to the said course of action.

6. In view of the above, the 2nd respondent in the present writ petition is hereby directed to entrust the investigation into both the crimes, based on the complaint made by the petitioner as well as the 5th respondent, *viz.*, Crime No.319 of 2019 and Crime No.179 of 2019, to the 4th respondent - Assistant Commissioner of Police, Warangal, for proper and expeditious investigation into the said crimes.

7. Subject to the above direction, the writ petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

Date:28.01.2020

GJ

JUSTICE T.VINOD KUMAR

