

THE HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.33880 of 2014

ORDER:

Heard learned counsel for the petitioner as well as learned Government Pleader appearing for respondent Nos.1 to 5.

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

“...to issue an order or direction more particularly one in the nature of writ of Mandamus or any other appropriate writ declaring the action of respondents no.3 to 7 in not taking any action against the respondents no.8 to 11 basing on the FIR No.80 of 2014, of PS Kataram, dated 27-5-2014, even though the said FIR is registered for the offences cognizable and non-bailable and even though the petitioner submitted representation to the respondent no.3 on 3.6.2014 and 14.8.2014, to take necessary action in this regard as against the respondents no.5 to 7 but not taking any action and not entrusting the said FIR to the Police CID, Karimnagar, for impartial investigation and for taking necessary action against the respondents no.8 to 11, is nothing but arbitrary, illegal, null and void and also violative of Articles 14, 19 and 21 of the Constitution of India and also violative of the provisions of the criminal procedure code. Consequently, direct the respondent no.3 to consider the representations of the petitioner, dated 3.6.2014 and 14.8.2014, and take necessary action against the respondents no.8 to 11 and to transfer the FIR No.80 of 2014, of PS Kataram, dated 27.5.2014, to Police CID, Karimnagar, and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.”

3. Learned Government Pleader placed on record the written instructions issued by the Station House Officer, Kataram Police Station, Karimnagar District.

4. From a perusal of the said written instructions, it is revealed that as per the records one Mr.B.Srinivasa Reddy, S/o.Pochireddy (brother of the petitioner herein) approached Kataram Police Station and lodged a complaint on 27.05.2014 stating that one Mr.Madkha Madhu i.e., respondent No.8 herein, beat his brother i.e., the writ

petitioner herein, with an axe on his head, one Mr.B.Thirupathi Reddy assaulted with knife on his legs, Mr.B.Rama beat with an iron rod on his legs and B.Mukesh beat him with a stick and causing bleeding injuries to his brother, due to previous enmity in land dispute and requested the police to take necessary action. Pursuant to the said complaint, Crime No.80 of 2014 for the offences under Sections 290 and 307 read with 34 IPC was registered on the file of the Kataram Police Station on 27.05.2014 and investigation was taken up. The unofficial respondent Nos.8 to 11 herein were shown as accused in the said crime. During the course of investigation, the complainant i.e., brother of the petitioner, and other witnesses were examined and recorded their detailed statements. The Doctor, who treated the petitioner, opined that the injuries sustained by him are simple in nature. As per the evidence, prima facie case was not established against the accused in the said crime beyond all reasonable doubt. The investigation also clearly disclosed that the complainant's brother i.e., the petitioner herein, with an intention to grab the shutters by hook or crook, had fabricated the facts and lodged the complaint to fulfill their vested interests to settle their disputes keeping the alleged accused under pressure. It is also mentioned in the written instructions that the petitioner herein trespassed into the shutters of the alleged accused and he himself assaulted the alleged accused in the said crime. The investigation was completed. Permission was also obtained from the Sub-Divisional Police Officer, Godavarikhani, to refer the complaint of the brother of the petitioner as 'mistake of fact'.

Learned Government Pleader also brought to the notice of this Court that a final report under Section 173 Cr.P.C. was already filed referring the case as 'mistake of fact'.

5. It is also further stated in the written instructions that the 8th respondent herein lodged a complaint with the Kataram Police Station. Pursuant thereto, a case in Crime No.82 of 2014 for the offence under Section 324 read with 34 IPC was registered against the petitioner and others, as they criminally trespassed into the house of the complainant and beat the complainant's brother-in-law (Mr.Tirupathi Reddy) with a crowbar on his head, assaulted complainant with a spade, beat the complainant with a brick on his left eye and also beat the complainant with a brick on his back, due to land dispute, resulting bleeding injuries. During the course of investigation, the 8th respondent and other witnesses were examined and their detailed statements were recorded. All the witnesses corroborated the facts stated in the F.I.R. As per the evidence, the petitioner (A.1) and Aitha Krishna Reddy (A.3) were arrested on 28.05.2014 and remanded to judicial custody. There were no allegations against the remaining accused Nos.2 and 4 and hence their names were deleted from the accused column. After completion of investigation, charge sheet was also filed against the petitioner (A.1) and A.3 (Aitha Krishna Reddy) before the Judicial Magistrate of First Class at Manthani. The petitioner is facing trial in the said case. Suppressing all the material facts and on coming to know the investigating agency is going to refer his complaint in Crime No.80 of

2014 as mistake of fact, the petitioner filed the present writ petition with baseless allegations.

6. From the above written instructions, it is clearly evident that the petitioner suppressed the material facts relating to registration of crime against him and his brother and filed the present writ petition with all false and baseless allegations. Therefore, 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. No order as to costs.

Miscellaneous petitions pending, if any, shall stand dismissed.

7th January 2020
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P. KESHA VA RAO, J

