

THE HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.14162 of 2014

ORDER:

There is no representation on behalf of the petitioner.

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

“.....to issue a direction, order or writ more particularly one in the nature of Writ of Mandamus declaring the action of the respondents No.1 to 2 in not transferring the FIR No.118/2014 dated 3.2.2014 pending before the 5th respondent to the 3rd respondent, despite receiving the representation dated 10.4.2014 of the petitioner, as arbitrary, illegal and consequently direct the respondents No.1 to 2 and 4 to transfer the FIR No.118/2014, dated 3.2.2014 pending before the 5th respondent to the 3rd respondent and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

3. The 5th respondent filed a counter-affidavit denying the allegations made in the affidavit filed in support of the writ petition and contended *inter alia* that on the complaint of one Sri Sagar Kumar, a case in Crime No.118 of 2014 for the offence under Section 306 IPC was registered on 03.02.2014 against Tirupathi Reddy and Ravi, members of the college, as accused Nos.1 and 2, on the file of the 5th respondent Police Station. The 5th respondent visited the scene of offence and found a suicide note from the pocket of the petitioner's son/deceased, in which, he stated that he was not interested and fed up with his life and committing suicide. The deceased also recorded his voice in his cell phone kept in the hostel. The content of the said voice record is that he is committing suicide with free will and pleasure. In fact, the deceased was having of habits like, cigarette, drinking, arrack drinking and tobacco cigarettes, and he misbehaved

with his friends. The deceased was not having any claim against anybody. In the light of the said submission, the 5th respondent examined the complainant and four other witnesses and recorded their detailed statements. Basing on the evidence collected during the course of investigation, it was revealed that the accused persons did not commit the offence as alleged. On 04.02.2014, the Medical Officer in his report stated that the death of the deceased was caused due to hanging. After investigation, the 5th respondent obtained permission from the Assistant Commissioner of Police, Kukatpally Division, Cyberabad, to refer the case as 'action dropped' vide 465/ACP-KP/CYB/2014, dated 11.06.2014. The complainant refused to receive the RCS notice. Hence, the final report was filed as 'action dropped' on 17.06.2014 before the learned II Additional Judicial First Class Magistrate, Kukatpally at Miyapur.

4. Learned counsel for the petitioner filed reply affidavit, rebutting the contentions raised in the counter-affidavit filed by the 5th respondent and stated that the petitioner filed a representation on 10.04.2014 to respondent Nos.1 and 2 to transfer F.I.R.No.118 of 2014 to the 3rd respondent, but no action has been taken on it. It is further stated that the alleged suicide note, which was found near the deceased, is not a genuine one, as the signature contained on the alleged suicide note does not match with the original signature of the deceased on the face of the record. It is further mentioned in the reply affidavit that the 5th respondent has not examined the father of the deceased or any of the family members. Further, the respondent

claims that the *de facto* complainant refused to receive the RCS notice is not correct. As a matter of fact, the de facto complainant is a student, who was studying along with the deceased.

5. As a matter of fact, on 30.12.2019, there was no representation on behalf of the petitioner. Therefore, the matter was listed under the caption 'for dismissal' on 03.01.2029. Even today also, there is no representation on behalf of the petitioner. From this, it appears that the petitioner is not interested to prosecute the matter diligently.

6. In these circumstances, 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.

3rd January 2020
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P. KESHA RAO, J