

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

MONDAY, THE FOURTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HON'BLE SMT JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO: 13158 OF 2022

Between:

Jangili Sathaiah, S/o. Late Narsaiah, aged about 97-years, Occ. Agriculture,
R/o Phanigiri village, NagaramMandal, Suryapet District, TS

...PETITIONER

AND

1. The State of Telangana, rep by its Principal Secretary, Home Department,
Secretariat Building, Hyderabad.
2. The Director General of Police,, Lakdi-ka-pool, Hyderabad.
3. The Superintendent of Police, Suryapet District
4. The Sub-Divisional, Police Officer, Suryapet District, TS.
5. The Station House Officer, Nagaram Mandal, Suryapet 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 pass an order or direction more particularly one in the nature of Writ Mandamus to declare the action of the Respondent No.2, in not properly disposing of the Petitioners representation dated 26/05/2020 against improper investigation done by the then Respondent No.5, in this regard the Crime No.03/2018 U/Sec.420, 423 R/w 156(3) of CRPC on the file of Respondent No.5 covered by this Honourable Court order vide in WP no.10888/2020 dated 10/08/2021 is illegal, arbitrary, violative of principals of natural justice and against the article 14, 19, 21 and 300-A constitution of India and consequently direct the Respondent No. 2 to initiate disciplinary proceedings against the Respondent No.3, 4 and 5 for having submitted false information to the Respondent No.2 in turn Respondent No.2 made the same stereotyped submission before this Honourable Court as such the Respondent No.2 is mislead by the Respondent No.3, 4 and 5 warranting disciplinary proceedings against them upon the Petitioner representation dated 26/05/2020 is the subject matter of the present writ petition vide in Crime No.03/2018 U/Sec.420, 423 R/w 156(3) of CRPC on the

file of Respondent No.5, by giving fair opportunity of the petitioner being heard and submit the relevant documents forthwith

IA NO: 1 OF 2022

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. 2 to initiate disciplinary- proceedings against the Respondent No.3, 4 and 5 for having submitted false information to the Respondent No.2 In turn Respondent No.2 made the same stereotyped submission before this Honourable Court as such the Respondent No.2 is mislead by the Respondent No.3, 4 and 5 warranting disciplinary proceedings against them upon the Petitioner representation dated 26/05/2020 is the subject matter of the present writ petition vide in Crime No 03/2018 U/Sec 420, 423 R/w 156 (3) CRPC on the file of Respondent No 5 by giving of the petitioner being heard and submit the relevant documents forthwith pending disposal of the main Writ petition

Counsel for the Petitioner: SRI J. RAGHURAM

Counsel for Respondents: AGP FOR HOME

The Court made the following: ORDER

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No. 13158 of 2022

ORDER:

Questioning the action of the 2nd respondent – Director General of Police in not properly disposing of the petitioner's representation dated 26.05.2020 against improper investigation done by the then Station House Officer – 5th respondent in Crime No. 3 of 2018 registered for the offences under Sections 420, 423 read with Section 156(3) Cr.P.C., this Writ Petition is filed.

2. The case of the petitioner is that in Crime No. 3 of 2018, the police have done a defective investigation and filed a final report stating that the case is 'civil in nature'. The petitioner therefore, made a representation to the 2nd respondent – Director General of Police to take action against the Station House Officer and when the same was not acted upon, he filed Writ Petition No. 10888 of 2020, wherein this Court by order dated 10.08.2021 directed the respondents therein to dispose of the said representation. It is the further case of the petitioner that the police without giving him any opportunity passed orders and in fact he initiated contempt proceedings before this Court. In the said case, the respondents

have filed a counter-affidavit which is a stereotyped history of the title of the case.

3. Sri J. Raghuram, learned counsel for the petitioner submits that Respondents 3 and 4 are in the habit of submitting false reports to Respondent No.2 as per their convenience to shield the accused and property and in this case, improper and defective investigation was done by the 5th respondent to save the accused. He submits that disciplinary inquiry has to be initiated against the then Station House Officer - Respondent No.5 and an opportunity be given to the petitioner to be heard and submit the documents.

4. Learned Assistant Government Pleader for Home submits that till now, the petitioner has filed 13 Writ Petitions. He submits that in fact, the Superintendent of Police has conducted a detailed enquiry on the allegations made by the petitioner. He further submits that the Tahsildar and the Joint Collector advised both the parties to approach the civil Court for resolving their disputes, hence, the matter was referred to as 'civil in nature'. According to the learned Assistant Government Pleader, when the police conducted investigation and filed the final report, the remedy available to the petitioner is to file a protest petition and he cannot approach this

Court invoking the jurisdiction under Article 226 of the Constitution, which is nothing but a pure abuse of process of law.

5. This Court has gone through the entire material available on record and the other writ petitions filed by the petitioner before this Court. The petitioner is trying to convert the Writ Court into a Magistrate Court and wants to get his grievance redressed. This Court cannot entertain such Petitions when the petitioner has an effective alternative remedy of filing a protest petition.

6. Though this Court intends to impose exemplary costs on the petitioner for filing this Petition and wasting the precious hours of the Court, taking a lenient view, the Writ Petition is dismissed without costs.

7. The Miscellaneous Applications, if any shall stand automatically closed.

SD/-MOHD.SANAULLAH ANSARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to Sri J. Raghuram Advocate [OPUC]
2. Two CCs to GP For Home, High Court for the State of Telangana. [OUT]
3. Two CD Copies
4. One Spare Copy

MBC
TR

[Handwritten signature]

HIGH COURT

DATED: 14/03/2022



ORDER

WP.No.13158 of 2022

DISMISSING THE WRIT PETITION

WITHOUT COSTS

⑥
2/5/22
HWL