

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

THURSDAY, THE SEVENTH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO: 17448 OF 2022

Between:

Boini Balraj, S/o late Bheemaiah, aged about 26 years, Occ. Private Employee, R/o Chowdapur village, Kulkacherla Mandal, Vikarabad District

...PETITIONER

AND

1. The State of Telangana, rep. by its Principal Secretary, Home Department Secretariat, Hyderabad.
2. The Director General of Police, State of Telangana, office at Lakdikapool Hyderabad.
3. The Inspector General of Police, State of Telangana, Hyderabad
4. The Dy. Inspector General of Police, Hyderabad.
5. The Sub-Inspector of Police, Kulkacherla Police Station, Vikarabad District.
6. Erukali Ashok, s/o Laxmaiah, aged about 26 years, occ. Student, r/o Chowdapur village Kulkacherla Mandal, Vikarabad District.
7. Erukali Anjaiah, S/o Laxmaiah, aged about 30 years, occ. Student, r/o Chowdapur village Kulkacherla Mandal, Vikarabad 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 issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the inaction of the respondent Nos. 2 to 4 herein the respondent Nos, 2 to 4 herein in conducting enquiry and direct the 5th respondent to add the Respondent No. 6 as accused in relation to FIR No.64 of 2021 dt. 13/5/2021 on the file of Kulkacherla Police Station, Vikarabad, inspite of the written representation dt. 31-1-2022 followed by personal visits, as being illegal, arbitrary, unjust and unconstitutional and consequently direct the

respondent Nos. 2 to 4 to conduct enquire into the FIR No. 64 of 2021 and to direct the 5th respondent to add the 6th respondent herein as Accused in the above said case,

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 police to consider and take immediate action pursuant to the representations dt. 31/1/2022, pending disposal of the main Writ Petition.

Counsel for the Petitioner: SRI KARUNAKAR REDDY

Counsel for the Respondent Nos.1 to 5: GP FOR HOME

Counsel for the Respondent Nos.6 & 7: None Appeared

The Court made the following: ORDER

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No. 17448 OF 2022

ORDER:

This Writ Petition is filed questioning the inaction of Respondents 2 to 4 in conducting enquiry and directing the 5th respondent to add the 6th respondent as accused in relation to FIR No. 64 of 2021 dated 13.05.2021 on the file of Kulkacherla Police Station, Vikarabad.

2. Learned counsel for the petitioner Sri Karunakar Reddy submits that in view of the rash and negligent driving of Sri Ravula Venkatesh and Sri Erukali Praveen, the father of the petitioner sustained grievous injuries and later, succumbed to the same. He submits that in that connection, a crime was registered as FIR No. 64 of 2021 for the offence punishable under Section 304-II IPC. It is stated that during the course of investigation, police apprehended the 7th respondent herein and remanded him to judicial custody showing him as Accused No.2, but the 5th respondent did not properly conduct the investigation for the reasons best known to him and has not arrested the 6th respondent, who is the main culprit. It is also stated that the petitioner made the representation dated 12.01.2022 before the official respondents and the matter was

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entrusted to the Deputy Superintendent of Police and the witnesses have disclosed about the presence of the 6th respondent at the spot, but due to political motivation, the 6th respondent, who is prime accused, was not added. He submits that this action of the respondents is arbitrary, hence, the petitioner approached this Court.

3. Learned Assistant Government Pleader for Home Sri S. Ramamohana Rao submits that the 6th respondent herein is shown as L.W.13, who purchased the crime vehicle and the police conducted investigation and filed a charge sheet. He submits that if the petitioner is aggrieved, the remedy available to him is to approach the competent Criminal Court and he cannot approach this Court invoking writ jurisdiction.

4. This Court exercising jurisdiction under Article 226 of the Constitution cannot go into the merits of the case and decide who has committed the offence and who should be arrayed as accused. If the petitioner is aggrieved by the action /inaction on the part of the respondent officials, his remedy is to approach the competent criminal Court but not this Court. In view of the effective alternative remedy available to the petitioner, this Court is not inclined to entertain this Writ Petition.

5. The Writ Petition is accordingly, disposed of giving liberty to the petitioner to approach the competent criminal Court for redressal of his grievance. There shall be no order as to costs.

6. Consequently, the miscellaneous Applications, if any shall stand closed.

SD/-K.ONESIM
ASSISTANT REGISTRAR
SECTION OFFICER

//TRUE COPY//

To,

1. One CC to SRI KARUNAKAR REDDY, Advocate [OPUC]
2. Two CCs to the GP for Home, High Court for the State of Telangana. [OUT]
3. Two C.D. Copies.
4. One Spare Copy.

MRC

SB

HIGH COURT

DATED:07/04/2022

ORDER

WP.No.17448 of 2022



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

⑥
PM
23/5