

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

**MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO: 20882 OF 2022

Between:

Gundeboina Venkateshwarlu, S/o. late Veera Swamy, aged about 58 Years, occupation. Agriculture, resident of H.No.4-40, Thana Bazar, Dondapadu Village, Chithalapalem Mandal, Suryapet District, Telangana State.

...PETITIONER

AND

1. The State of Telangana, represented by its Principal Secretary, Home Department, Secretariat, Hyderabad.
2. The Superintendent of Police, Suryapet District, Telangana State.
3. The station house officer, P.S. Chinthalapalem, suryapet district, telangana state.
4. Gundeboina Linga Rao, S/o. Gundeboina Venateshwarlu, aged about 32 years, occupation. Agriculture, resident of Opposite Mangala Saideshwar Rao, Thana Bazar, Dondapadu Village, Chithalapalem Mandal, Suryapet District, Telangana State

...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 a writ order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 3rd Respondent in not taking action, not conducting investigation, not arresting the 4th respondent is illegal, arbitrary and violation of Article 21 of the Constitution of India and consequently direct the 3rd Respondent to take action against the Respondent No.4 by registering the Offences U/ s.307 & s.354 I.P.C. and thereby to save my life in the hands of the 4th respondent.

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 3rd Respondent to take action against the Respondent No.4 by registering the Offence U/ s.307 and 354 I.P.C. and thereby to save my life in the hands of the 4th respondent, pending disposal of the disposal of the above Writ Petition.

Counsel for the Petitioner : SRI. T PRASANNA KUMAR

Counsel for the Respondent Nos 1 to 3 : AGP FOR HOME

Counsel for the Respondent No 4 : ---

The Court made the following : ORDER

THE HONORABLE SMT JUSTICE LALITHA KANNEGANTI

W.P.No.20882 of 2022

ORDER

This writ petition is filed questioning the action of respondent No.3 in not taking action, not conducting investigation and not arresting respondent No.4, as illegal and arbitrary and consequently, to direct respondent No.3 to take action against respondent No.4 by registering the case for the offences under Sections 307 and 354 IPC.

2. Heard learned counsel for the petitioner Mr. Prasanna Kumar and learned Assistant Government Pleader for Home for respondent Nos.1 to 3.

3. Learned counsel for the petitioner submits that the wife of petitioner died on 10-05-2021 due to ill-health and after that the petitioner has requested his son i.e, respondent No.4 to join with him, but he bluntly refused and demanded the property which stands on his name, then he got conducted a panchayat, but respondent No.4 did not attend the said panchayat. He submits that the petitioner got second marriage on 19-02-2022 and thereafter, his children are harassing him and then, he gave a complaint against respondent No.4 and the same was registered as Cr.No.45 of 2022 for the offences under Sections 324, 504, 506 read with 34 IPC on 06-04-2022. He submits that the respondent-police have wrongly registered the case against respondent No.4 for the offences under Sections 324, 504, 506 read

with Section 34 IPC instead of Sections 307 and 354 IPC in spite of the injuries sustained by petitioner as respondent No.4 tried to kill him and though he has brought to the notice of respondent No.3, no action has been taken against respondent No.4 and hence, the petitioner is constrained to approach this Court.

4. Learned Assistant Government Pleader for Home, on instructions, submits that the police, after completion of investigation, filed charge sheet before the Judicial First Class Magistrate, Huzurnagar and C.C. number is awaited. He further submits that as the accused have not changed their attitude and picking up quarrel with the petitioner and creating nuisance in the village, the Station House Officer has taken them into custody on 21.04.2022 at Dondapadu Village of Chinthalapalem Mandal to prevent them from committing the cognizable offence and produced them before the Tahsildar, Chinthalapalem, for binding over to keep his good behaviour and also this is a family dispute and hence, the allegation made by petitioner that there is inaction on the part of the respondents is false and they have taken steps.

5. The prayer in the writ petition is that the respondent-police have to arrest respondent No.4 and the complaint has to be registered under Sections 307 and 354 IPC and they are not conducting investigation. These reliefs cannot be granted by this Court and this writ petition itself is not maintainable. For every inaction on the part of the police, the

petitioner or the complainant cannot approach this Court. In exceptional cases and in spite of availability of an alternative remedy, this Court will entertain the writ petitions. But in a routine manner in every case of action or inaction, the remedy of the petitioner is not before this Court, but to avail the appropriate remedy available to him. In this case, already charge sheet is filed and this Court finds no reasons to interfere.

6. Accordingly, the Writ Petition is closed. No order as to costs.
7. Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

SD/-T.TIRUMALA DEVI
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. One CC to SRI. T PRASANNA KUMAR, Advocate [OPUC]
2. Two CCs to GP FOR HOME, High Court for the State of Telangana at Hyderabad. [OUT]
3. Two CD Copies
4. One Spare Copy

CKY

BS



HIGH COURT

DATED : 25/04/2022

ORDER

WP.No.20882 of 2022



**CLOSING THE WRIT PETITION
WITHOUT COSTS**

⑥ Copies
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24/6/22