

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

**THURSDAY, THE SECOND DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 37055 OF 2024

Between:

Gujjala Mahender Reddy, S/o.Raji Reddy, Age 39 years, Occ: Senior Executive: Talent Acquisition, presently residing at Ambalapur Village, Keshavapatnam Mandal, Karimnagar District.

...PETITIONER

AND

1. The State of Telangana, Rep.by its Principal Secretary, Home Department, Secretariat, Hyderabad.
2. The Commissioner of Police, Karimnagar, Karimnagar District.
3. The Station House Officer, Police Station Manakondur, Manakondur Mandal, Karimnagar District.
4. The Sub-Inspector of Police, Manakondur Police Station, Manakondur Mandal, Karimnagar District.
5. Mudike Raju, S/o.Sommaiah, Aged: Major, Occ. Driver of TSRTC Bus No.02 UC 6663, R/o.Jagannadhapur Village, Elkathurthi Mandal, Hanmakonda 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 declaring the inaction of the respondents No.3 and 4 in not taking steps to record the statements of the petitioner and witnesses in FIR No.431 of 2024 at P.S. Manakondur, Karimnagar District is illegal, arbitrary and consequently direct the respondent No.3 and 4 to take further steps including the recording statements in FIR No.431 of 2024.

IA NO: 1 OF 2024

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 respondents No.3 and 4 to take further steps in FIR No.431 of 2024 including the recording of statements of the petitioner and witnesses

Counsel for the Petitioner: SRI SRINIVASA SRIKANTH

**Counsel for the Respondent Nos.1 to 4: SRI R. LAXMIKANTH REDDY,
AGP FOR HOME**

Counsel for the Respondent No.5: ---

The Court made the following: ORDER

HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.37055 OF 2024

ORDER: (ORAL)

This writ petition is filed by the petitioner seeking to declare the action of respondent Nos.3 and 4 in not recording the statements of the petitioner and the witnesses in FIR.No.431 of 2024 of P.S. Manakondur, Karimnagar District, registered for the offence under Section 338 of IPC, as illegal and arbitrary.

2. Heard Mr. Srinivasa Srikanth, learned counsel for the petitioner, and Mr. R. Laxmikanth Reddy, learned Assistant Government Pleader for Home, and perused the material available on record.

3. Grievance of the petitioner is that the police have not conducted fair investigation in Crime No.431 of 2024.

4. The case of the petitioner is that on 01.08.2021 at about 5-30 P.M, when he was proceeding to his native village in his car bearing No.TS 07 EZ 8060 and reached nearby Petrol Bunk at Gattududdenapally Village, he met with an accident by a RTC bus bearing No.TS 02 UC 6663 coming in opposite direction. It is stated that respondent No.5, who was the driver of the said bus,

drove the bus in a rash and negligent manner with high speed and caused the accident resulting in severe injuries to the petitioner. The car of the petitioner was totally damaged. The petitioner was shifted to City Hospital, Karimnagar, in 108 ambulance and later shifted to Sunshine Hospital, Hyderabad for better treatment. He was admitted in ICU for five days and he underwent major operations on 21.09.2021 and 18.10.2021. Later, he was discharged with an advice to take physiotherapy treatment.

5. It is stated that while the petitioner was undergoing treatment, his family members went to lodge a complaint with respondent No.3 Police Station and they were informed that respondent No.5 has already lodged a complaint against the petitioner in FIR.No.204 of 2021 which was taken cognizance and numbered as C.C.No.2861 of 2021.

6. Learned counsel for the petitioner submitted that the petitioner sustained grievous injuries on right hand, head, right leg and the accident was caused due to rash and negligent act of respondent No.5. Subsequently, the petitioner lodged complaints on 22.08.2023 and 06.10.2023 with respondent Nos.2 and 3.

Thereafter, a private complaint was lodged before the Court of the Special Judicial Magistrate of First Class (Excise), Karimnagar, which was referred to respondent No.3 Police Station under Section 156 (3) Cr.P.C., and the same was registered as FIR.No.431 of 2024 under Section 338 IPC against respondent No.5. It is submitted that respondent Nos.3 and 4 have not recorded the statements of the witnesses and the victim, and despite the petitioner approaching them several times, no steps in that regard have been taken. As there is no other alternative, the petitioner is constrained to approach this Court.

7. As per written instructions of the learned Assistant Government Pleader, the petitioner lodged a private complaint before the Court of the Special Judicial Magistrate of First Class (Excise), Karimnagar, which was referred to respondent No.3 Police Station. The petitioner was informed that FIR.No.204 of 2021 was registered for the offence under Section 337 IPC, wherein investigation was completed and charge sheet was filed against the petitioner/accused, and the same is pending trial *vide* C.C.No.2861 of 2021.

8. Learned Assistant Government Pleader for Home submitted that as per contents of the charge sheet in Crime No.204 of 2021, investigation established that the petitioner drove his car bearing No.TS 07 EZ 8060 in opposite direction from Karimnagar to Warangal side in rash and negligent manner with high speed and dashed the RTC bus bearing No.TS 02 UC 6663, resulting the bus front portion getting damaged and the car tyres got busted, and in the accident, the petitioner sustained bleeding injuries which was witnesses by LWs.2 and 3. It is stated that in order to counter the above case, the petitioner lodged private complaint which was referred to Manakondur Police Station and Crime No.431 of 2024 was registered against the RTC bus driver under Section 338 IPC. The Inspector of Police examined and recorded the statement of the complainant and two eye witnesses. As per the evidence of independent eye witnesses, the offence was not made out against the alleged accused/RTC bus driver and, accordingly, the case was referred as 'false'. The Investigation Officer has been permitted by memo No.722/Closure/K-R/2024 dated 30.11.2024 to submit final report before the appropriate Court by duly serving notice to the

petitioner/complainant and report compliance. A copy of the final report is served on the learned counsel for the petitioner.

9. In view of the above, the writ petition is disposed of granting liberty to the petitioner to avail appropriate legal remedy or file protest petition to the final report before the concerned Court. No order as to costs.

As a sequel thereto, miscellaneous applications, if any, pending in the writ petition stand closed.

Sd/- P. CH. NAGABHUSHAMBA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Home Department, Secretariat, Hyderabad.
2. The Commissioner of Police, Karimnagar, Karimnagar District.
3. The Station House Officer, Police Station Manakondur, Manakondur Mandal, Karimnagar District.
4. The Sub-Inspector of Police, Manakondur Police Station, Manakondur Mandal, Karimnagar District.
5. One CC to SRI SRINIVASA SRIKANTH, Advocate [OPUC]
6. Two CCs to GP for HOME, High Court for the State of Telangana at Hyderabad. [OUT]
7. Two CD Copies

KKS
MP



HIGH COURT

DATED:02/01/2025

ORDER

WP.No.37055 of 2024



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

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14/02/25
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