

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

FRIDAY, THE TWENTY FIRST DAY OF MARCH

TWO THOUSAND AND TWENTY FIVE



**:PRESENT:
THE HONOURABLE SRI JUSTICE CHALLA GUNARANJAN**

WRIT PETITION NO: 7300 OF 2025

Between:

G.Sadik Basha, s/o G.Shafeeulla, Aged about 36 years, Armed Reserve Constable, Office of the Additional Superintendent of Police (Armed Reserve) Tirupati-517 502, Tirupati District (Andhra Pradesh)

Petitioner

AND

1. The State of Andhra Pradesh, Rep. by the Principal Secretary (Home), AP Secretariat, Velagapudi-522237 Amaravati, Guntur District (AP).
2. The Director General of Police, Andhra Pradesh Police Headquarters, Mangalagiri, Guntur District (AP) PIN 522 502.
3. Deputy Inspector General of Police, Kurnool Zone, Kurnool (AP) PIN 518002.
4. Deputy Inspector General of Police, Ananthapuramu Range, Ananthapuramu (AP) PIN 515 001
5. The Superintendent of Police, District Police Office, Tirupati District, Tirupati, (A.P). PIN 517 501.

6. The Deputy Superintendent of Police, (Armed Reserve: Admn) & Inquiry Officer, Armed Reserve Police Headquarters, Police Parade Grounds, Mutyalareddipalli, Tirupati-517 502, Tirupati District (AP)

Respondent/s

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased

- (i) to set aside as non est the Inquiry Officer's Report declaring PROVED the lone article of charge in the charge-memorandum No.A4/OEPR/18/2017 dated 19-10- 2017 contrary to the decision of the Hon'ble Court of the Fourth Additional Judicial First Class Magistrate Tirupati declaring the same article of charge as NOT PROVED since the prosecution utterly failed to prove this same offence
- (ii) to CLOSE the disciplinary proceedings initiated by the fifth respondent and Superintendent of Police Tirupati District Tirupati since it is not maintainable under Rule 20 of AP CS (CCA) Rules 1991 in a criminal case wherein a public servant is acquitted honourably for utter failure of prosecution to prove the offences

IA NO: 1 OF 2025

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay the action on the Inquiry Officer's Report pending hearing and disposal of this writ petition under the facts and circumstances of this case in the interest of justice, Pending disposal of WP 7300 of 2025, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri BONDU SEKHARA REDDY Advocate for the Petitioner, GP FOR HOME for the Respondent Nos.1 to 6 and the Court made the following.

ORDER:

“Learned Government Pleader for Services-I takes notice for respondents and seeks time to file counter affidavit.

The petitioner was issued Memorandum of Charge by memo vide C.No.A4/OEPR/18/2017 dated 19.10.2017, on the allegation that in view of registration of Crime No.29 of 2016, for the offences punishable under Sections 498A and 506 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, the same amounted to misconduct and violation of provisions of Rules 3 and 25(A) of APCS (Conduct) Rules, 1964. Aforesaid crime, later upon filing of charge sheet got numbered as C.C.No.121 of 2017 on the file of learned IV Additional Judicial Magistrate of First Class, Triupathi and by judgment dated 27.06.2023, the same ended in acquittal, as the prosecution failed to prove allegation beyond reasonable doubts. Inspite of the same, the Inquiry Officer submitted a report on 28.10.2023 holding that the allegations made against the petitioner were proved. Though Inquiry Officer referred to acquittal order dated 27.06.2023, without considering the fact that prosecution failed to prove the allegation against the petitioner, he summarily and without any reasons concluded, by recording finding that the allegations are proved. Basing on the same, the 5th respondent has issued memo vide C.No.A4/OEPR/18/2017, dated 03.03.2025, calling upon the petitioner to submit explanation while enclosing findings of Inquiry Officer.

Prima facie, when once the competent criminal Court has given clear acquittal to the petitioner, the Inquiry officer findings otherwise,

are without any basis and in this case it is disregarding the findings rendered by the criminal Court.

Hence, there shall be an interim stay of all further proceedings in pursuant to the impugned charge memo vide C.No.A4/OEPR/18/2017, dated 19.10.2017 and memo vide C.No.A4/OEPR/18/2017, dated 03.03.2025 issued by the 5th respondent, pending further orders.

Let counter be filed in four (04) weeks and reply, if any, in two (02) weeks.

List the matter after eight (08) weeks."

//TRUE COPY//

For

Sd/- U. SRI DEVI
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary (Home), State of Andhra Pradesh, AP Secretariat, Velagapudi-522237 Amaravati, Guntur District (AP). [By Special Messenger]
2. The Director General of Police, Andhra Pradesh Police Headquarters, Mangalagiri, Guntur District (AP) PIN 522 502.
3. Deputy Inspector General of Police, Kurnool Zone, Kurnool (AP) PIN 518002.
4. Deputy Inspector General of Police, Ananthapuramu Range, Ananthapuramu (AP) PIN 515 001
5. The Superintendent of Police, District Police Office, Tirupati District, Tirupati, (A.P). PIN 517 501.
6. The Deputy Superintendent of Police, (Armed Reserve: Admn) & Inquiry Officer, Armed Reserve Police Headquarters, Police Parade

Grounds, Mutyalareddipalli, Tirupati-517 502, Tirupati District (AP). (2 to 6 by RPAD)

7. One CC to SRI. BONDU SEKHARA REDDY Advocate [OPUC]
8. Two CCs to GP FOR HOME , High Court Of Andhra Pradesh. [OUT]
9. **One spare copy**

HIGH COURT

CGR,J

DATED:21/03/2025

List the matter after eight (08) weeks

ORDER

WP.No.7300 of 2025

INTERIM STAY

