



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3521]

MONDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

WRIT PETITION NO: 10312/2026

Between:

1. VALLABHANENI SATYA RAM PRASAD, SON OF KRISHNAJI RAO,
AGED 69 YEARS, RESIDENT OF H. NO. 24A-9-8, YARRAPRADA
STREET, ASHOK NAGAR, ELURU, ELURU DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY, HOME DEPARTMENT, VELAGAPUDI, GUNTUR
DISTRICT - 522238

2. THE SUPERINTENDENT OF POLICE, ELURU DISTRICT, ELURU -
534001

3. THE STATION HOUSE OFFICER, ELURU II TOWN POLICE STATION,
ELURU DISTRICT - 534006

...RESPONDENT(S):

Counsel for the Petitioner:

1. ELURU SESA MAHESH BABU

Counsel for the Respondent(S):

1. GP FOR HOME

The Court made the following ORDER:

The Writ Petition has been filed for the following relief:

“...to issue Writ, Order or Direction, more particularly one in the nature of a Writ of Mandamus, declaring the action of the respondents more particularly Respondent No. 3, in not concluding the investigation by filing the final report in crime No. 279 of 2025, dated 11.11.2025 of Eluru II Town Police Station, Eluru District for the offences U/s. 409, 420, 463, 464, 465, 471 r/w. 34 of IPC, 156(3) of Cr PC as illegal, arbitrary, unconstitutional, and without jurisdiction, without any authority of law and in violation to the settled principles, and consequently direct 2nd respondent to change investigation officer in crime No. 279 of 2025 of the file of Eluru II Town Police Station and pass...”

2. Heard learned counsel for the Petitioner and the learned Assistant Government Pleader.

3. Mr. Eluru Sesha Mahesh Babu, learned counsel for the Petitioner, submits that although the complaint lodged by the petitioner was registered as a case against Accused in F.I.R.No.279 of 2025, dated 11.11.2025 on the file of Eluru II Town Police Station, Guntur District, for the alleged offences punishable under Sections 409, 463, 464, 465, 471 read with 34 of Indian Penal Code (for brevity ‘the IPC), by Respondent No., he has failed to proceed with the investigation and has not taken any steps to file the charge sheet.

4. Sri P.Ajay Babu, learned Assistant Government Pleader, on written instructions, submits that one of the accused is residing in United States of America and the investigation is at progressive stage, charge sheet would be filed after completion of the investigation.

5. Be that as it may, the Respondent No.3 is duty bound to conduct a thorough, fair, impartial and effective investigation and conduct the investigation to the logical end as per the procedure.

6. In this regard, it is apposite to refer the judgment of the Hon'ble Apex Court in **A. Shankar v. State**¹, wherein at paragraph Nos. 15 and 20, it is held as under:

15. If the high court directs, at a stage prior to conclusion of investigation, that a charge-sheet has invariably to be filed upon closure of investigation in a particular case irrespective of what the materials are which have been collected during investigation and without allowing the investigating officer to form his own opinion as regards the next course of action, that would take away the discretion of such officer and he would be left with no other option but to proceed in the direction as required by the high court under pain of threat of contempt. Other than very extreme cases, the high courts ought to exercise restraint and not issue such directions which foreclose the discretion of the executive.

20. However, if the high court proceeds to make a direction that charge-sheets should be filed upon conclusion of investigation or that a trial should be concluded within a particular time-frame, without even attempting to ascertain the stage the trial has reached, the consequence of such an order could be far-reaching. The concept of a fair trial could be rendered a casualty. Directions of the nature made by the learned Judge amounts to improper exercise of writ jurisdiction and such an approach cannot but be disapproved by us.

7. Therefore, in **A. Shankar supra**, the Hon'ble Supreme Court held that the High Court should not, at the stage of investigation, direct the filing of a charge-sheet, as it would curtail the discretion of the investigating officer and amount to an improper exercise of jurisdiction. It was further held that issuing directions to file charge-sheets or to

¹ 2026 SCC OnLine SC 120

conclude trials within a fixed timeframe, without considering the stage of the proceedings, may prejudice a fair trial and is liable to be disapproved.

8. Considering the facts and circumstances of the case, the Superintendent of Police, Eluru District / respondent No.2 is directed to complete the investigation and take appropriate steps, either by filing a charge sheet or a final report before the learned Jurisdictional Magistrate, as expeditiously as possible, in accordance with law, and submit about the results of the investigation to the District Superintendent of Police.

9. With the above observations and directions, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, interlocutory applications, if any pending, shall stand closed.

Dr.Y. LAKSHMANA RAO, J

Date: 20.04.2026
SSA

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THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

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SSA