

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

FRIDAY, THE TENTH DAY OF OCTOBER,

TWO THOUSAND AND TWENTY FIVE

**:PRESENT:
THE HONOURABLE SRI JUSTICE BATTU DEVANAND**

WRIT PETITION NO: 24785 OF 2016

Between:

Golla Jaipal Yadav, S/o Late G.Venkanna Aged 34 years Occ:
Business, resident of Chippagiri village, Kurnool district.

Petitioner

AND

1. The State of Andhra Pradesh, represented by its Principal Secretary (Home), Secretariat Hyderabad .
2. The Superintendent of Police, Kurnool, Kurnool District.
3. The Station House Officer, Central Crime Station, Kurnool, Kurnool District.
4. Devaraj, S./o not known Age: not known Occ: Constable, Central Crime Station, Kurnool, Kurnool District.
5. Raghu, S./o not known Age: not known Occ: Constable, Central Crime Station, Kurnool, Kurnool District.
6. Murali, S./o not known Age: not known Occ: Constable, Central Crime Station, Kurnool, Kurnool District.
7. Ramudu, S./o not known Age: not known Occ: Driver, Central Crime Station, Kurnool, Kurnool District.
8. Krishna Mohan, S/o not known, Age: Not known, Occ: Home Guard, O/o Deputy Superintendent of Police, Kurnool

9. Krishnayya, S/o. not known, Age: not known, Occ: Circle Inspector, Central Crime Station (CCS), Kurnool.
10. Talari Sreenivasulu, S/o not known, Age: not known, Occ: Sub-Inspector of Police, Central Crime Station.

Respondents

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 to issued the writ or Order more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in detaining the petitioner in their custody without any cause or without registering any Crime against the petitioner and not responding to the complaint given on 12.07.2016 to the 2nd respondent and also threatening the petitioner with dire consequences, as illegal, arbitrary and also violation of 14 and 21 of the Constitution of India and consequently direct the respondents not to call the petitioner to the Police Station and further direct the 2nd respondent to consider the case of the petitioner and initiate necessary action against the officials involved in the illegal detention of the petitioner herein.

IA NO: 1 OF 2016(W.P.M.P.No.30602/2016):

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 direct the respondents not to call the petitioner to the Police Station, Chippagiri village and Mandal, Kurnool District everyday and harass the petitioner.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the earlier order of the High Court dated. 26.09.2025 made herein and upon hearing the arguments of Sri. V RAGHUNATH, Advocate for the Petitioner and of GP FOR HOME (TG), for the Respondents;

The Court made the following ORDER:

In compliance of the order of this Court, dated 26.09.2025, the learned Government Pleader for Home has placed the case file docket sheet pertaining to Crime No. 167 of 2016 on the file of the II Town Police Station, Kurnool, Kurnool District.

On perusal of the same, it appears that basing on the report submitted by the Sub-Inspector of Police, Kurnool II Town Police Station seeking permission to refer the complaint of the petitioner in F.I.R.No.167 of 2016 as "false", the Sub-Divisional Police Officer, Kurnool accorded permission *vide* proceedings in C.No.308/SDPO-K/2018, dated 15.07.2018, to refer the case as "false". No material is placed before us through this record that subsequent to granting approval by the Sub-Divisional Police Officer, Kurnool to refer the case as "false", whether the same is submitted to the concerned Judicial Magistrate as provided under law or not.

As per the learned counsel for the petitioner, no notice was issued to the petitioner either by the police people or by the concerned Judicial Magistrate on this aspect. According permission by the Sub-Divisional Police Officer to refer the case as false is not sufficient to close the case. Proper Judicial proceedings has to be initiated by the concerned Judicial Magistrate by following Cr.P.C. In the absence of sufficient material before us, we are not accepting the contention of the learned Government Pleader for Home that the case in Crime No.167 of 2016 on the file of the II Town Police Station, Kurnool has been closed.

Considering the submissions of the learned counsel for the petitioner and the material available on record including the original case file docket sheet placed before this Court, this Court is of the *prima-facie* opinion that there is a truth in the contention of the learned counsel for the petitioner that the petitioner was detained by the 3rd respondent and was beaten during his detention. This Court intends to take this matter seriously.

As directed by this Court on 26.09.2025, the original file pertaining to the proceedings issued by the Sub-Divisional Police Officer, Kurnool vide C.No.308 of 2018, dated 15.07.2018 is not produced before this Court.

In view of the same, Respondent Nos.2 and 3 are directed to appear before this Court on the next date of hearing with all original records to show whether Crime No.167 of 2016 on the file of II Town Police Station, Kurnool is pending as on date or closed by following due process of law.

Post on 17.10.2025.

SD/- B.PRASAD RAO
DEPUTY REGISTRAR


SECTION OFFICER

//TRUE COPY//

To,

1. The Station House Officer, II Town Police Station, Kurnool, Kurnool District. (SPEED POST)
2. The Principal Secretary (Home), The State of Andhra Pradesh, Secretariat, Hyderabad. (BY RPAD)
3. The Superintendent of Police, Kurnool, Kurnool District. (SPEED POST)
4. The Station House Officer, Central Crime Station, Kurnool, Kurnool District. (SPEED POST)
5. Devaraj, Occ: Constable, Central Crime Station, Kurnool, Kurnool District.
6. Raghu, Occ: Constable, Central Crime Station, Kurnool, Kurnool District.
7. Murali, Occ: Constable, Central Crime Station, Kurnool, Kurnool District.
8. Ramudu, Occ: Driver, Central Crime Station, Kurnool, Kurnool District.

9. Krishna Mohan, Occ: Home Guard, O/o Deputy Superintendent of Police, Kurnool

10. Krishnayya, Occ: Circle Inspector, Central Crime Station (CCS), Kurnool.

11. Talari Sreenivasulu, Occ: Sub-Inspector of Police, Central Crime Station. (Addressee Nos. 5 to 11 BY RPAD)

12. One CC to Sri. V RAGHUNATH, Advocate [OPUC]

13. Two CCs to GP FOR HOME (AP), High Court Of Andhra Pradesh. [OUT]

14. One spare copy

JSS

HIGH COURT

DEV, J

DATED:10.10.2025.

POST ON 17.10.2025.

ORDER

WP.No.24785 of 2016

APPEARANCE

