

(SHOW CAUSE NOTICE BEFORE ADMISSION)

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

MONDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 18579 OF 2024

Between:

1. Gandham Padma, W/o Late Gandham Jalamaiah

Petitioner

AND

1. The State of Telangana, Rep. by its Principal Secretary, Home Department, Secretariat, Hyderabad.
2. The Director General of Police, Lakdikapul, Hyderabad.
3. The Commissioner of Police, Nizamabad, Nizamabad District.
4. The Asst. Commissioner of Police, Nizamabad, Nizamabad District.
5. The Circle Inspector of Police, PS Bheemgal, Nizamabad District.
6. The Sub Inspector of police, PS Morthad, Nizamabad.
7. Poloji Srikanth, S/o Pandari, Age.34 years, Occ. Mechanic, R/o H.No.1, Morthad village and Mandal, Nizamabad District.
8. Chetlapally Devkumar, S/o Yellaiah, Age. 26 years, Occ. Mechanic, R/o H.No.17-100, Morthad village and Mandal, Nizamabad District.
9. Chetlapally Devaraj, S/o Chetlapally Yellaiah, Age. 25 years, Occ. Electrician, R/o H.No. 17-100, Morthad village and Mandal, Nizamabad District.
10. Abdul Nazeem, S/o Abdul Saleem, Age. 25 years, Occ. Auto Driver, R/o H.No.17-46/1 SC, BC Colony, Morthad village and Mandal, Nizamabad District

Respondents

WHEREAS the Petitioner above named through her Advocate Ms. AYESHA HUMERA presented this 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 any writ order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the Respondent No.3 to 5 in not conducting the investigation pursuant to the complaint dated 20-06-2024 against the Respondent No. 7 to 10 and not registering the crime is illegal, arbitrary and unconstitutional and consequently direct the respondent no.3 to 5 to change the investigation officer i.e., 6th respondent and handover the investigation

to any other investigating officer forthwith and also register the offence U/Sec 302 of IPC or 103 of BNS against R7 to R10

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Ms. AYESHA HUMERA, Advocate for the Petitioner, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. Poloji Srikanth, S/o Pandari, Age.34 years, Occ. Mechanic, R/o H.No.1, Morthad village and Mandal, Nizamabad District.
2. Chetlapally Devkumar, S/o Yellaiah, Age. 26 years, Occ. Mechanic, R/o H.No.17-100, Morthad village and Mandal, Nizamabad District.
3. Chetlapally Devaraj, S/o Chetlapally Yellaiah, Age. 25 years, Occ. Electrician, R/o H.No. 17-100, Morthad village and Mandal, Nizamabad District.
4. Abdul Nazeem, S/o Abdul Saleem, Age. 25 years, Occ. Auto Driver, R/o H.No.17-46/1 SC, BC Colony, Morthad village and Mandal, Nizamabad District

are directed to show cause on or before 06.01.2025 to which date the case stands posted as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted.

The Court made the following: ORDER

Learned Assistant Government Pleader for Home furnished copy of final report in Crime No.32 of 2024 of Morthad Police Station on learned counsel for the petitioner.

As per the written instructions of learned Assistant Government Pleader for Home, the Sub-Inspector of Police, Morthad Police Station, Nizamabad District, after receipt of FSL report, the medical officer issued final opinion stating that the cause of death of deceased was due to "drowning" and final report was filed as "Accidental death due to drowning".

Learned counsel for the petitioner submitted that the Investigation Officer was informed about the suspicion and involvement of respondent Nos.7 to 10. As details of suspicious persons were given, it was necessary for the Investigation Officer to examine them; without examining them, final report has been filed.

Hence, issue notice to respondent Nos.7 to 10.

Learned counsel for the petitioner is permitted to take out personal notice to respondent Nos.7 to 10 by Registered Post with Acknowledgment Due and file proof of service by next date of hearing.

List the matter on 06.01.2025.

//TRUE COPY//

SD/-P.CH.NAGABHUSHAMBA
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. Poloji Srikanth, S/o Pandari, Age.34 years, Occ. Mechanic, R/o H.No.1, Morthad village and Mandal, Nizamabad District.
2. Chetlapally Devkumar, S/o Yellaiah, Age. 26 years, Occ. Mechanic, R/o H.No.17-100, Morthad village and Mandal, Nizamabad District.
3. Chetlapally Devaraj, S/o Chetlapally Yellaiah, Age. 25 years, Occ. Electrician, R/o H.No. 17-100, Morthad village and Mandal, Nizamabad District.
4. Abdul Nazeem, S/o Abdul Saleem, Age. 25 years, Occ. Auto Driver, R/o H.No.17-46/1 SC, BC Colony, Morthad village and Mandal, Nizamabad District (for addresses 1 to 4 by RPAD- along with a copy of petition and affidavit)
5. One CC to Ms. AYESHA HUMERA, Advocate [OPUC]
6. Two CCs to GP FOR HOME, High Court at Hyderabad. [OUT]
7. One spare copy

HIGH COURT

BVRJ

DATED:16/12/2024

LIST ON 06.01.2025

NOTICE BEFORE ADMISSION

WP.No.18579 of 2024

