

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

WEDNESDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY

: PRESENT:

THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE B.VIJAYSEN REDDY
WP(PIL) NO. 95 OF 2020

Between:

Smt. Sheela Sarah Mathews, D/o. Simon Mathews

Petitioner

AND

1. State of Telangana, Represented by its Principal Secretary, Home Department, Secretariat Buildings, Hyderabad.
2. Director General of Police, Telangana State, Lakdi Ka Pool, Hyderabad.
3. Commissioner of Police, Basheerbagh, Hyderabad.

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 in the nature of a writ of mandamus declaring the action of the police as being in excess of their power, arbitrary illegal unjust in violation of various fundamental and constitutional rights including Article 14, 19,21 and 300A of the constitution of India and also contrary to any known power either under the Disaster Management Act or the Epidemics Act and issue consequential directions to conduct a detailed inquiry into the said incidents and take necessary action against the erring officials in accordance with law , pay exemplary costs to the victims with liberty to seek appropriate compensation under the law;

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the Respondents to take over the medical management at its own cost of the stated injured persons and report progress thereof to this Honourable court, pending disposal of WP(PIL) 95 of 2020, 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 Deepak Misra Advocate for the Petitioner the Court made the following.

ORDER:

Mr.Anjani Kumar, IPS, Commissioner of Police, Hyderabad City, has filed a counter-affidavit.

According to the counter-affidavit, a departmental enquiry has been initiated against Mr. B. Lingam, Sub-Inspector of Police, and Mr. B. Mohan Kumar, Station House Officer of Ameerpet Police Station and the Assistant Commissioner of Police, Malakpet Division calling for the explanation for failure to discharge their duties responsibly. However, the subsequent development, or progress in the departmental enquiries needs to be informed to this Court.

According to the counter-affidavit, Mr. Mohd. Asgar, who allegedly was assaulted by the Police, in fact, was not assaulted by the Police. According to the Police, instead he fell down while he was running away after noticing the police personnel approaching his area. But

surprisingly, his injury report has not been submitted along with the counter-affidavit.

Likewise, although it is claimed that Mr. Khaleem was beaten up by the Police, the Police claims that while seeing the police personnel, Mr. Khaleem tried to run away. While running away, he fell into a manhole, thereby sustaining a fracture on his right leg. But even in the case of Mr. Khaleem, his injury report has not been filed. Interestingly, although the Police claim that he was shifted to the Osmania General Hospital through escort HG-174, the medical report issued by the Osmania General Hospital has not been filed along with the counter-affidavit.

Similarly, it is alleged that the Police had assaulted a handicapped person. Yet, the Police claims that he is a regular violator of the provisions of the Motor Vehicles Act and as many as thirteen Traffic Challans are hanging against him. Yet, none of these Traffic Challans have been submitted along with the counter-affidavit.

According to the petitioner, there is a video circulating over the internet wherein it is shown that a Sub-Inspector of Police of Moghalpura Police Station was abusing the local persons, who had stepped out for groceries. Although the said allegation has been admitted in the counter-affidavit, neither the name of the delinquent police personnel has been revealed, nor the final outcome of the departmental enquiry initiated against the delinquent officer has been mentioned. Therefore, the necessary information needs to be submitted before this Court.

According to the petitioner, there is an allegation that the police personnel of Falakhnuma Police Station have damaged the vehicles parked outside the homes in a residential area. Surprisingly, the Police claims that while checking the two wheelers parked outside the houses, "the Police had checked the vehicles using police lathies in order to see whether coronavirus was present or not". This explanation by the Police is, indeed, surprising. For, in order to check the presence of coronavirus, there is no need "to use the lathies". Therefore, the complete report, with regard to the alleged incident, needs to be submitted by the Police before this Court.

Likewise, it is alleged that one Mr. Junaid was brutally attacked by the police personnel, namely Mr. K. Hanumanth Kumar of Golconda Police Station. Due to the brutal attack, he has suffered thirty-five stitches on his face, and also suffered hairline fracture. According to the Police, Mr. Junaid was intercepted by them as he was driving the two wheeler without wearing a mask, and without wearing a helmet. Moreover, an altercation had taken place between the police personnel and Mr. Junaid, and later he was identified as Zaidan Danish Nadeem Ahemd. During the

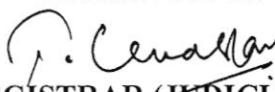
altercation, accidentally, the lathi belonging to HG Hanumanth Kumar hit the spectacles of Zaidan. Since his spectacles were broken, it caused a bleeding injury under his right eye. Moreover, according to the Police, immediately, he was taken to Olive Hospital, Nanal Nagar. However, the injury report of Mr. Zaidan has not been produced before this Court. Obviously, a single injury to right eye cannot cause an injury requiring thirty-five stitches, and a hairline fracture. Thus, it is obvious, that the correct facts have not been mentioned in the counter-affidavit. Furthermore, although it is claimed that Mr. Hanumanth Kumar was suspended by order dated 29.04.2020, and a detailed enquiry has been ordered against him, neither the copy of suspension order, nor the further development in the departmental enquiry has been submitted along with the counter-affidavit.

Therefore, this Court directs the respondents to submit the injury reports of the injured persons, their statements, if any recorded by the Police, and further to inform this Court with regard to the progress made in the departmental enquiries, which have been initiated against the delinquent police personnel. The said report shall be submitted by respondents before this Court on or before 29.06.2020.

List this case on 30.06.2020.

SD/-THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND
SD/-SRI JUSTICE B.VIJAYSEN REDDY

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REGISTRAR (JUDICIAL-II)
17/06/2020


SECTION OFFICER

To,

1. The Principal Secretary, Home Department, State of Telangana, Secretariat Buildings, Hyderabad.
2. The Director General of Police, Telangana State, Lakdi Ka Pool, Hyderabad.
3. The Commissioner of Police, Basheerbagh, Hyderabad.
(Addressees 1 to 3 by SPL. MESSENGER) —
4. One CC to Sri Deepak Misra Advocate [OPUC] —
5. Two CC to Advocate General, High Court, Hyderabad (OUT) —
6. Two spare copies

Csk

HIGH COURT

HCJ
&
BVRJ

DATED:17/06/2020

NOTE: LIST THIS CASE ON 30.06.2020

ORDER

WP(PIL).No.95 of 2020

DIRECTION

