

**HON'BLE SMT. JUSTICE LALITHA KANNEGANTI**

**WRIT PETITION No. 20097 of 2022**

**ORDER:**

This Writ Petition is filed questioning the action of the 2<sup>nd</sup> respondent in forcing the petitioner to compromise the case with the accused in FIR No. 891 of 2021 dated 10.11.2021 on the file of Women Police Station, DD, Hyderabad, not taking the statements of the witnesses and further delaying in conducting investigation and filing charge sheet as arbitrary, unjust and violation of the Articles 14, 15, 19 and 21 of the Constitution of India.

2. Ms. Pratibha Bejjarram, learned counsel for the petitioner submits that the petitioner has given a complaint to the police and the same was registered as Crime No. 891 of 2021. It is stated that instead of conducting investigation into the alleged crime, the police are forcing the petitioner to compromise the matter with the unofficial respondents and they are not conducting proper investigation and not filing the charge sheet, hence, she has come up before this Court.

3. Sri S. Rammohan Rao, learned Assistant Government Pleader for Home, on instructions, submits that in the course of investigation, seven witnesses were examined and

their detailed statements have been recorded. It is stated that the Investigating Officer made requisition on 16.04.2022 to the Station House Officer, Assistant Commissioner of Police and Joint Commissioner of Police with a request to accord permission for not charging Accused No.3 and the same is pending. It is stated that after obtaining the said permission, as expeditiously as possible, appropriate report will be filed before the competent Court. Further, it is stated that the respondents are not pressurizing the petitioner to compromise the matter.

4. It is no doubt true that when a complaint is given and a cognizable offence is made out, police have to register a crime and conduct thorough investigation and file the charge sheet. However, any lapse on the part of the Investigating Officer cannot be a ground for the petitioner to approach this Court. In her affidavit, the petitioner stated that the respondents are calling and threatening her, but in the written instructions submitted by the learned Assistant Government Pleader, it is stated that the respondent police are not threatening the petitioner. This Court cannot decide the disputed questions of fact and it has no mechanism or the procedure to unravel the truth. The appropriate and efficacious

remedy available to the petitioner, if she is aggrieved by the action / inaction of the Investigating Officer is to file a private complaint against the said officer before the competent Court. Day in and day out, several writ petitions are being filed stating that the police are not conducting proper investigation and not filing the charge sheet nor they are arresting the accused. At any stretch of imagination, those issues cannot be decided by this Court while exercise of jurisdiction under Article 226 of the Constitution.

5. In the light of the above, the Writ Petition is disposed of with liberty to the petitioner to avail appropriate remedy. There shall be no order as to costs.

6. The miscellaneous Applications, if any shall stand closed.

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**LALITHA KANNEGANTI, J**

21<sup>st</sup> April 2022

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