

**IN THE HIGH COURT FOR THE STATE OF TELANGANA:
HYDERABAD**

* * *

WRIT PETITION NO.5775 OF 2015

Between:

R.Jaya Laxmi, w/o. late R.Laxman,
r/o.H.No.5-2-23, J.J.Nagar Colony,
Yapral, Ranga Reddy District.

.... Petitioner

and

The State of Telangana, rep.by its
Prl.Secretary for Home, Secretariat,
Hyderabad and six others.

.... Respondents

ORDER PRONOUNCED ON : 29.07.2026

HONOURABLE SRI JUSTICE SUDDALA CHALAPATHI RAO

1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? : **Yes**
2. Whether the copies of judgment may be
marked to Law Reporters/Journals? : **Yes**
3. Whether His Lordship wishes to
see the fair copy of the Judgment? : **Yes**

SUDDALA CHALAPATHI RAO, J

***HONOURABLE SRI JUSTICE SUDDALA CHALAPATHI RAO**

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.... Respondents

! Counsel for Petitioner : Mr. Pulla Rao Yellanki

^Counsel for respondents : Mr. Sridhar Bhuvanagiri, learned
Assistant Government Pleader for
Home for respondent Nos.1 to 4;
Mr. K.Ravi Mahender, learned
Standing Counsel for GHMC for
respondent No.7

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> HEAD NOTE:

? Cases referred

1968 LawSuit (SC) 90

2018 (2) LawSuit (Mad) 6719; (2006) 2 SCC 450; (1975) 4 SCC 153; (1991) 3 SCC 627

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ORDER:

The present writ petition has been filed seeking to grant the following relief:

“ to declare the action of the 4th respondent in closing the FIR No.445 of 2014, dated 19.05.2014 on the file of P.S. Alwal, Cyberbad, Ranga Reddy District, by way of filing the final report before the 5th respondent, without giving any notice to the petitioner and without conducting any proper investigation or registering any case against respondent Nos.6 and 7 for their negligent and tortious act, who dug the ditch for water pipeline and left negligently without taking any safety measures

and precautions, which caused the death of petitioner's husband R.Laxman, as illegal, arbitrary, unjust, violation of principles of natural justice and violation of Articles 14, 15, 16 and 21 of the Constitution of India, and consequently, to direct the 2nd respondent to appoint any other investigating officer to reinvestigate the case and conduct proper enquiry in the above crime."

2. The brief facts of the case leading to filing of the present writ petition are that, petitioner is the wife of R.Laxman (hereinafter referred to deceased) and blessed with two children and deceased was working as Telephone Mechanic (TM) in the Office of Bharat Sanchar Nigam Limited (BSNL), Telephone Building, Tirumalagiri, Lal Bazaar, Secunderabad, and was aged about 55 years, and on the fateful day of 18.05.2014, the deceased went out from the home at about 9.00 p.m. in order to go to Medical shop at Yapral bus stop and when he reached the main road Yapral, he fell down into ditch of water pipeline, which was dug and left negligently without taking any safety measures and precautions by the 6th respondent herein, and sustained severe head injuries and succumbed to the said injuries. Thereafter, it is stated that immediately, petitioner has

given report to the Police, Alwal Police Station, Cyberabad, who in turn registered a case in Crime No.445/2014 under Section 174 of Cr.P.C, and subsequently, it is stated that the Police authorities without giving any proper notice and without following due procedure contemplated under the provisions of Cr.P.C., have laid final report before Mandal Tahsildar-cum-Mandal Executive Magistrate, Malkajgiri Mandal, Ranga Reddy District i.e., 5th respondent herein, by closing the case.

3. It is also further stated that the 6th respondent, who is the contractor for Laying of Water Pipelines of Godavari Drinking Water Supply Project Phase-I under the control of 7th respondent herein, has committed tortious act by ignoring the public lives to take safety measures, which caused the death of the deceased, and the 7th respondent, being the controlling authority of the 6th respondent and an instrumentality of the State, is bound to protect the life and liberty of the public at large under Article 21 of Constitution of India, however, utterly failed to take any action against the 6th respondent even after misfortune incident of death of the deceased and, therefore, it is stated that the respondent police

authorities, without conducting a proper investigation, have mechanically filed the final report before the 5th respondent and as such, sought for reinvestigation and enquiry in the said case.

4. Learned Assistant Government Pleader for Home, by placing written instructions on record, would contend that since the petitioner has lodged a complaint, the respondent police authorities have registered a case in Crime No.445 of 2014 under Section 174 Cr.P.C. and thereafter by conducting investigation and also conducting autopsy over the dead body of the deceased, they opined that the death of the deceased occurred due to 'head injury' and the investigation clearly disclosed that the deceased was walking on the road besides water pipeline, which was dug for the water canal and accidentally fell down into the water canal by slipping his leg, as a result, he sustained severe bleeding injuries on his head and died on the spot. Since the investigation reveals that there was no foul play, and the deceased succumbed to the injuries as he accidentally fell in a ditch, and by taking appropriate permission from the Assistant Commissioner of Police, Alwal Division, filed final report before the II Class Magistrate-cum-

Tahsildar of Malkajgiri Mandal, Cyberabad, Ranga Reddy District, on 20.06.2014 and the same is pending consideration.

5. Learned Assistant Government Pleader for Home would further contend that proper procedure contemplated under Section 173 of Cr.P.C., was followed, and since there was no cognizable offence and the death occurred only due to the accidental death, police filed final report before the 5th respondent and prays to dismiss the present writ petition as entire procedure under the provisions of Cr.P.C. was followed.

6. Heard Mr. Pulla Rao Yellanki, learned counsel for petitioner, Mr.Sridhar Bhuvanagiri, learned Assistant Government Pleader for Home appearing for respondent Nos.1 to 4, and Mr. K.Ravi Mahender, learned Standing Counsel for GHMC for respondent No.7, and having given earnest consideration to their submissions, perused the record.

7. Evidently, on the fateful day of 18.05.2014, the deceased went outside from the house in order to get medicines and when he reached main road, accidentally he fell down into a ditch, due to which, he sustained severe head injuries and succumbed to the said

injuries and basing on the complaint lodged by the petitioner, Crime No.445 of 2014 was registered by the respondent police authorities. Consequent upon which, the investigation was conducted and statements of witnesses were recorded including the petitioner, her son and daughter. Thereafter, since the death occurred under suspicious circumstances, a Postmortem Examination was conducted and the PME report revealed that the deceased died due to heady injury. Upon completion of the investigation, and after following the due procedure contemplated under Section 173 of the Code of Criminal Procedure, 1973, as well as obtaining the requisite permission from the Assistant Commissioner of Police, the police authorities filed a final report before the 5th respondent. Since the investigation did not reveal any foul play and the death occurred due to the accidental in nature, the proceedings were closed.

8. Now the petitioner claims that the respondent Nos.6 and 7 are liable to be prosecuted for the death of deceased since no proper safety measures were taken by them, who are the contractor and the State, respectively. Learned counsel for petitioner would assert that since the Government work being carried out by the respondent

No.6, at the instance of 7th respondent, both the respondent Nos.6 and 7 have vicariously liable to be prosecuted and the respondent police authorities have not followed the procedure envisaged and by deviating the procedure, has filed final report before the 5th respondent, who is not competent person to entertain the same.

9. *Per contra*, learned Assistant Government Pleader supported the closure of the final report stating that nothing contrary was proved during the course of investigation as to the commission of any cognizable offence, and therefore, the police having found no material to proceed further, filed the final report by closing the case.

10. Learned counsel for petitioner has placed reliance on the judgment of the Hon'ble Supreme Court in **Rustom Sherior Irani v. State of Maharashtra**¹. It is submitted that, in the said case, the owner of the premises decided to increase height of the chimney and during the course of alteration work, the oven was allowed to burn and continued to be used, resulting the death of some persons. The Hon'ble Supreme Court held that the proximate and efficient cause of death was negligence of owner, who had engaged an

¹ 1968 LawSuit (SC) 90

inexperienced person to carry out the work, and accordingly upheld the conviction of the owner for the offences punishable under Sections 304-A, 337 and 338 of the IPC. The learned counsel for petitioner, by placing reliance on the above said decision, seeks a direction to the respondent police authorities to conduct a reinvestigation into the case and take appropriate legal action against the respondent Nos.6 and 7.

11. It is an admitted fact that the husband of the petitioner expired on the fateful day of 18.05.2014, due to fall in a ditch. Since the complaint was registered in Crime No.445 of 2014 under Section 174 Cr.P.C, the respondent police authorities have investigated into the crime and filed a final report. For better understanding of the case, the provisions under Section 174 Cr.P.C. are extracted hereunder:

“S.174. Police to enquire and report on suicide, etc. —

(1) When the officer in charge of a police station or some other police officer specially empowered by the State Government in that behalf receives information that a person has committed suicide, or has been killed by another or by an animal or by machinery or by an accident, or has died under circumstances raising a reasonable suspicion that some other person has committed an offence, he shall immediately give intimation thereof to the nearest Executive Magistrate empowered to hold inquests, and, unless otherwise directed by any rule prescribed by the State Government, or by any

general or special order of the District or Sub-divisional Magistrate, shall proceed to the place where the body of such deceased person is, and there, in the presence of two or more respectable inhabitants of the neighbourhood, shall make an investigation, and draw up a report of the apparent cause of death, describing such wounds, fractures, bruises, and other marks of injury as may be found on the body, and stating in what manner, or by what weapon or instrument (if any); such marks appear to have been inflicted.

(2) The report shall be signed by such police officer and other persons, or by so many of them as concur therein, and shall be forthwith forwarded to the District Magistrate or the Sub-divisional Magistrate.

(3) When—

(i) the case involves suicide by a woman within seven years of her marriage; or

(ii) the case relates to the death of a woman within seven years of her marriage in any circumstances raising a reasonable suspicion that some other person committed an offence in relation to such woman; or

(iii) the case relates to the death of a woman within seven years of her marriage and any relative of the woman has made a request in this behalf; or

(iv) there is any doubt regarding the cause of death; or

(v) the police officer for any other reason considers it expedient so to do, he shall], subject to such rules as the State Government may prescribe in this behalf, forward the body, with a view to its being examined, to the nearest Civil Surgeon, or other qualified medical man appointed in this behalf by the State Government, if the state of the weather and the distance admit of its being so forwarded without risk of such putrefaction on the road as would render such examination useless.

(4) The following Magistrates are empowered to hold inquests, namely, any District Magistrate or Sub-divisional Magistrate and any other Executive Magistrate specially empowered in this behalf by the State Government or the District Magistrate.”

12. It is undisputed fact that once case is registered under Section 174 Cr.P.C., the Police has to investigate by giving a requisition to the nearest Executive Magistrate to conduct autopsy over the dead body of the deceased at the scene by intimating the said Executive Magistrate to attend inquest and the said procedure has been followed by the respondent-police authorities and, therefore, requisition was made to the 5th respondent to conduct a inquest over the dead body of the deceased and inquest was conducted and subsequently, the respondent police authorities have investigated the case by examining the witnesses including the petitioner, her son and daughter, and since the deceased expired purely out of falling into a ditch and since there is no foul play and there was no chance of any other person involved, the said crime was closed by filing final report before the 5th respondent.

13. Section 174 (2) of Cr.P.C., mandates that, where the death is unnatural and suspicious death, the inquest report must be signed by the Police Officer as well as by the respectable inhabitants of the locality present at the inquest, and the same shall be forwarded forthwith to the District Collector or the Sub-Divisional Magistrate

and that the scope of enquiry under Section 174 is very limited and if it was an accidental death and there is no involvement of any other person, in the normal instances, the competent Executive Magistrate is required to conduct inquest and thereafter file a report. However, the filing of a final report before the Executive Magistrate is not a procedure contemplated under Section 174 Cr.P.C., and the said provision does not prescribe that final report has to be filed before the Executive Magistrate. Where the material collected during the course of investigation do not disclose the commission of any cognizable offence, the appropriate recourse would be only filing a final report before the jurisdictional Judicial First Class Magistrate.

14. The Hon'ble High Court of Madras (Madurai Bench) in the case of **Manohari and others vs. District Superintendent of Police, Sivagangai District and others**², elaborately considered the scope and ambit of Section 174 Cr.P.C., and examined the issue as to whether, upon completion of an investigation, in which the police authorities finds that no offence has been made out, the final report is required to be submitted before the Executive Magistrate/

² 2018 (2) LawSuit (Mad) 6719

Revenue Divisional Officer or before the jurisdictional Judicial First Class Magistrate and specifically answering the said query, the Hon'ble Madras High Court Bench opined that, upon completion of investigation, the investigating officer is required to file a final report before the jurisdictional Judicial Magistrate of First Class, and not before the Executive Magistrate.

15. The Hon'ble Supreme Court in a case of **Radha Mohan Singh alias Lal Saheb and others v. State of U.P.**,³ held as under:

"14. An investigation under Section 174 is limited in scope and is confined to the ascertainment of the apparent cause of death. It is concerned with discovering whether in a given case the death was accidental, suicidal or homicidal or caused by animal and in what manner or by what weapon or instrument the injuries on the body appear to have been inflicted. It is for this limited purpose that persons acquainted with the facts of the case are summoned and examined under Section 175. The details of the overt acts are not necessary to be recorded in the inquest report. The question regarding the details as to how the deceased was assaulted or who assaulted him or under what circumstances he was assaulted or who are the witnesses of the assault is foreign to the ambit and scope of proceedings under Section 174. Neither in practice nor in law is it necessary for the person holding the inquest to mention all these details."

16. In the case of **Pedda Narayana and others v. State of Andhra Pradesh**⁴, the Hon'ble Supreme Court held that the proceedings

³ (2006) 2 SCC 450

under Section 174 Cr.P.C., have a very limited scope. The object of the proceedings is merely to ascertain whether a person has died under suspicious circumstances or an unnatural death and if so what is the apparent cause of the death. The question regarding the details as to how the deceased was assaulted or who assaulted him or under what circumstances he was assaulted appears to us to be foreign to the ambit and scope of the proceedings under Section 174.

17. Further, the view taken in **Pedda Narayana** (supra) was approved by a Three-Bench in **Khujji @ Surendra Tiwari v. State of Madhya Pradesh**⁵ and it was held that the testimony of an eyewitness could not be discarded on the ground that their names did not figure in the inquest report prepared at the earliest point of time. The nature and purpose of inquest held under Section 174 of Cr.P.C., was also explained in **Amar Singh v. Balwinder Singh** [(2003) 2 SCC 518]. In the said case the High Court had observed that the fact that the details about the occurrence were not mentioned in the inquest report showed that the investigating officer was not sure of the facts when the inquest report was

⁴ (1975) 4 SCC 153

⁵ (1991) 3 SCC 627

prepared and the said feature of the case carried weight in favour of the accused.

18. Thus, by all the judgments, the scope of proceedings under Section 174 Cr.P.C., is very limited and it requires that the Police Officer holding an inquest over the dead body should do so at the spot. Further, a combined reading of Section 2 (h) and section 157 of Cr.P.C., makes it clear that where an information regarding the cognizable offence is furnished to the Police, that information will be regarded as the FIR and all the inquiries held by the Police subsequent thereto would be treated as an investigation and even though the formal registration of the FIR takes place only later. Therefore, in such cases, the inquest report prepared by the Police Officer will be valid even though the FIR came to be registered later. However, in the light of the proposition of the Hon'ble Supreme Court along with Chennai High Court (supra), though the scope of Section 174 Cr.P.C., is very limited. However, the said provision does not envisage that the Police Officer, after completion of investigation, where no incriminating material is found against a person, should file a final report, and the said provision is

ambiguous. However, the fact remains that, once FIR is registered, the police authorities, before conducting investigation, have to requisition the Executive Magistrate for conducting an inquest, but Section 174 of Cr.P.C. does not envisage the filing of a final report before the Executive Magistrate.

19. In the present case, though the investigation was done, the final report was filed before the jurisdictional Executive Magistrate. Further, Section 173(2) envisages that after investigation, the Police authorities have to necessarily file final report before the jurisdictional Magistrate of First Class. The said proviso, for better understanding, is extracted as under:

“S.173. Report of police officer on completion of investigation.—

(1) xxxxx

(2) (i) As soon as it is completed, the officer in charge of the police station shall forward to a Magistrate empowered to take cognizance of the offence on a police report, a report in the form prescribed by the State Government, stating—

(a) the names of the parties;

(b) the nature of the information;

(c) the names of the persons who appear to be acquainted with the circumstances of the case;

(d) whether any offence appears to have been committed and, if so, by whom;

(e) whether the accused has been arrested;

(f) whether he has been released on his bond and, if so, whether with or without sureties;

(g) whether he has been forwarded in custody under section 170.

(h) whether the report of medical examination of the woman has been attached where investigation relates to an offence under sections 376, 376A, 376AB, 376B, 376C, 376D, 376DA, 376DB or section 376E of the Indian Penal Code (45 of 1860).

(ii) The officer shall also communicate, in such manner as may be prescribed by the State Government, the action taken by him, to the person, if any, by whom the information relating to the commission of the offence was first given."

20. In the case held by the Hon'ble High Court of Madras (*supra*), it was directed all the respondent police authorities to file a final report before the concerned Judicial Magistrate of First Class for the investigation carried in pursuance of Section 174 Cr.P.C. Thus, in the light of the above decision and Section 173(3) of Cr.P.C., in the considered view of this Court, the respondent police authorities ought to have given notice to the complainant and file a final report before the jurisdictional Judicial Magistrate of First Class, and filing a final report before the 5th respondent is *per se* untenable and that too violation of statutory right of the affected person. However, by this length of time, though the petitioner has remedy before the

competent Magistrate to file appropriate complaint under Section 190 of Cr.P.C., wherein the said report filed before the 5th respondent could have been challenged by the petitioner. But, all through the writ petition has been filed and was pending for so many years, and now challenging the final report at this length of time would be futile. However, it is categorically held that even investigation conducted under Section 174 Cr.P.C., nothing is proved against a person as to who committed the offence, the procedure contemplated under Section 173(3) of Cr.P.C., (now Section 193(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023), has to be followed. Thus, the final report should be filed before the concerned Judicial Magistrate of First Class by duly intimating the affected party.

21. In that view of the matter in the instant case, though the learned counsel for petitioner has asserted for conducting of reinvestigation, such a request cannot be entertained at this length of time. Having regard to the facts and circumstances of the case, in considered opinion of this Court, the prayer in the present writ petition cannot be acceded and the Writ Petition is accordingly closed. Henceforth, even the investigation carried under Section 174

Cr.P.C., (now, Section 194 of BNSS), the final report shall be filed before the jurisdictional Magistrate of First Class under Section 173(2) of Cr.P.C., (now Section 193(3) of BNSS).

22. There shall be no order as to costs. Pending miscellaneous applications if any shall stand closed.

SUDDALA CHALAPATHI RAO,J

Date: 29.07.2026

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Note: The Registry is directed to serve a copy of this order to the Director General of Police, with a request to communicate the same to all Police Stations.