

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.12681 of 2011

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ORDER

The grievance of the petitioner in this case was that respondents 6 to 9 were harassing him mentally and physically in order to suppress political dissent and exposure of misappropriation of public funds by respondent No.10. He sought a consequential declaration that the inaction on the part of the police authorities in acting upon his complaint dated 21.04.2011 was illegal.

2. This petition was filed in the year 2011. Notice was not even ordered to the respondents till June, 2015. Further, after notice was ordered on 03.06.2015 there was no representation for the petitioner when the matter was taken up on 25.06.2015. The record reflects that the notices sent by the Office were returned unserved. This was obviously due to the fact that the persons impleaded '*eo-nomine*', being police officers, may not be continuing in the station indicated in the cause title which reflected the position obtaining in the year 2011.

3. The Superintendent of Police, Rangareddy District, filed a counter affidavit in June, 2011, admitting that the petitioner submitted representation dated 21.04.2011 making allegations against respondents 6 to 9 herein. Thereupon, the Superintendent stated that he had endorsed the same and directed the Inspector of Police, District Special Branch, Ranga Reddy District, to conduct an enquiry into the allegations made by the petitioner. A detailed enquiry was conducted by the Inspector of Police, District Special Branch, Ranga Reddy District, and a report was

submitted. The Superintendent stated that upon careful perusal of the report, he found that the petitioner and the 10th respondent were close friends but due to political reasons, they fell apart. He further stated that four criminal cases were registered against the petitioner and he was habituated to filing false petitions. The Superintendent therefore denied the contention of the petitioner that no action was taken upon his representation and pointed out that a detailed enquiry had been conducted thereupon.

4. Though the aforesaid counter was filed in 2011, the petitioner did not choose to file a reply rebutting the averments made therein.

5. Ms V. Kranthi, learned counsel representing Mr. V. Raghunath, learned counsel for the petitioner, would contend that it is not open to the police authorities to not even register a crime on the basis of the complaint made by the petitioner. However, this contention loses sight of Section 157 Cr.P.C. and more particularly, proviso (b) to sub-section (1) thereof, where-under, if it appears to the officer in charge of the police station that there is no sufficient ground for investigation, he is empowered not to investigate the case.

6. In the present case, as the allegations were levelled against police officers, it appears that a detailed enquiry was conducted by the competent police officer upon the matter being entrusted to him by the Superintendent of Police, Ranga Reddy District. The enquiry did not disclose any ground requiring registration of a crime for further investigation. In that view of the matter, the action of the police authorities cannot be said to be without jurisdiction. Further, as pointed out, the petitioner did not choose to prosecute

the writ petition with even an iota of diligence as notice was not even ordered to the police officers impleaded as respondents by name, till recently.

7. The Writ Petition is therefore bereft of merit, apart from suffering from technical lapses, and it is accordingly dismissed.

Pending miscellaneous petitions shall also stand dismissed. No order as to costs.

SANJAY

KUMAR, J

14th July, 2015
sj