

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.35523 of 2015

ORDER:

The grievance of the petitioner was that the police authorities were not registering an offence on his complaint dated 18.10.2015 and were calling him to the police station without following the due procedure laid down by law.

The Sub-Inspector of Police, Godavarikhani II Town Police Station, Karimnagar District, filed a counter-affidavit denying receipt of any complaint from the petitioner. On the other hand, he stated that the 11th respondent lodged a complaint with the II Town Police Station, Godavarikhani, against the petitioner, whereupon Crime No.185 of 2015 was registered under Sections 427, 447 and 506 I.P.C.

Investigation was stated to have been taken up in this crime. The Sub-Inspector further stated that notice under Section 41-A Cr.P.C. was issued to the petitioner but the same could not be served as he was not available. In the meanwhile, the petitioner was stated to have secured bail on 18.11.2015 from the learned I Additional Judicial First Class Magistrate, Godavarikhani.

As the petitioner's main grievance in this writ petition is with regard to the alleged inaction on the part of the police authorities upon his complaint dated 18.10.2015 and there is a clear denial by the Sub-Inspector of Police, II Town Police Station, Godavarikhani, as to the receipt of such complaint, Sri S. Madan Mohan Rao, learned counsel for the petitioner, fairly stated that the only remedy available to his client would be to prefer a private complaint before the competent court.

In that view of the matter, the writ petition is closed leaving it open to the petitioner to avail appropriate remedies in accordance with law before the competent forum. As regards the pending investigation in Crime No.185 of 2015 on the file of II Town Police Station, Godavarikhani, it is made clear that the petitioner is bound to

cooperate with the investigation therein but, at the same time, the police authorities shall adhere to the prescribed procedure.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

21st December, 2015
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