

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.18984 OF 2011

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DATED: 22.06.2015

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Between:

Sadia Yasmen @ Saiya Yaseen and others.

.. Petitioners

And

The State of A.P. rep. by the Department of Home Affairs,
Rep. by the Secretary in the Department of Home Affairs,
and others.

.. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.18984 of 2011

ORDER:

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This writ petition was filed with the following prayer:

“For the reasons stated in the accompanying affidavit this Honourable Court may be pleased to issue a writ order or direction, particularly in the nature of Mandamus to the respondents herein and particularly to respondent No.6 herein not to entertain false cases in civil profile matters against the petitioners herein, and take action according to law if any criminal complaint is pending against the petitioners herein or alternately cease and desist to harass the petitioners herein and pass such other order or orders as this Honourable Court may see fit in the facts and circumstances of this matter.”

The grievance of the petitioners appears to be that the police authorities were entertaining false cases which were essentially of a civil nature. However, unless the police register a crime and conduct an investigation thereupon, they cannot come to a conclusion as to whether a case is false or whether it involves a civil dispute which

does not warrant criminal prosecution. Only upon such investigation, the police authorities would file a final report under Section 173 Cr.P.C. stating to that effect before the competent criminal court. The petitioners therefore cannot pre-empt such investigation by saying that the police authorities cannot even entertain the complaint. The prayer therefore places the cart before the horse and is counter-productive to what is essentially sought for by way of this writ petition.

The writ petition is therefore dismissed. However, this order shall not preclude the petitioners from raising their individual grievances, if any, with specific pleadings and a proper prayer.

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

JUSTICE SANJAY KUMAR

22nd June, 2015
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