THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION NO.34285 OF 2015

O R D E R

The grievance of the petitioner was that the police authorities were not taking any action pursuant to the complaint dated 21.09.2015 made by her husband and her own complaint dated 28.09.2015.

Relying on the written instructions dated 03.11.2015 received from the Sub-Inspector of Police, Tiruvuru Police Station, Krishna District, the learned Assistant Government Pleader for Home informed this Court that basing on the petitioner's husband's complaint dated 21.09.2015, Crime No.157 of 2015 was registered on the file of Tiruvuru Police Station under Sections 427, 448, 506 and 509 I.P.C. read with Section 34 I.P.C. Insofar as the petitioner's complaint dated 28.09.2015 is concerned, the learned Assistant Government Pleader stated that the said complaint has not been received by the concerned police authorities.

Learned counsel for the petitioner is unable to substantiate before this Court that the said complaint was received either by the Station House Officer, Tiruvuru Police Station or by the Superintendent of Police, Machilipatnam.

Learned Assistant Government Pleader for Home stated that perusal of the petitioner's complaint dated 28.09.2015 filed along with the writ petition would indicate that it is based on the same occurrence or event which formed the basis for the complaint dated 21.09.2015 made by the petitioner's husband which has already resulted in registration of Crime No.157 of 2015.

It is settled law that a second F.I.R cannot be registered on the basis of the same occurrence or event. Subject to the same, in the event the petitioner still has a grievance as to any commission of offence, which is not covered by the complaint dated 21.09.2015 made by her husband, it would be open to her to make a fresh complaint either to the Station House Officer, Tiruvuru Police Station and if he refuses to accept it, to the Superintendent of Police, Krishna District. In the event such a complaint is made, in the light of the law laid down by the Supreme Court, through a Constitution Bench, in ***LALITA KUMARI V/s. GOVERNMENT OF UTTAR PRADESH***, the police authorities would be bound to take action as

specified therein.

The writ petition is accordingly disposed of.

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

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SANJAY KUMAR, J

Date:19.11.2015

GJ