

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

WRIT PETITION NO.29706 OF 2015

DATED 27th NOVEMBER, 2015

Between:

Mr. Amir Ahmed Siddiqui .. Petitioner

and

The State of Telangana rep. by its
Principal Secretary, Home Department
and others .. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION NO.29706 OF 2015

ORDER

The prayer of the petitioner is in the following terms:

‘For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon’ble Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of “Writ of Mandamus” by declaring the action of the Official Respondents Nos.1 to 4 more particularly

the Respondent No.4 in not registering the FIR against the Unofficial Respondent Nos.5 to 7 more particularly the Respondent No.5, inspite of receiving written complaint dt.23-07-2015, besides recording the same in G.D. Entry Book on 24-07-2015 as arbitrary, ex-facie illegal, discriminatory, highhanded, dereliction of statutory duty and in violation of Article 14 of the Constitution of the India and consequently direct the Respondent No.4 to register the FIR against the Respondent Nos.5 to 7 in the light of Petitioner's written complaint dt.23-07-2-015 in the interest of justice and may pass such other Order or Orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.'

Learned Assistant Government Pleader for Home placed before this Court a copy of the written instructions dated 03.10.2015 furnished by the Sub-Inspector of Police, Mirchowk Police Station, Hyderabad. Therein, the Sub-Inspector stated that the petitioner had lodged a complaint on 24.07.2015 with the Station House Officer, Mirchowk Police Station, against respondents 5 to 7 herein, his brothers. Basing on this complaint, the Sub-Inspector stated that an entry had been made in the General Diary on 24.07.2015 and a preliminary enquiry was conducted. The police authorities thereupon came to the conclusion that the matter involved a civil property dispute and advised the parties to approach the concerned Court for appropriate relief. Reference was also made to the fact that the petitioner had earlier lodged a complaint on 16.11.2014 against his brothers and a petty case was registered vide Case No.4686/2014 under Section 70(b) of the City Police Act and Section 323 IPC. Two persons were stated to have been convicted for this offence and one remained absconding.

Section 157(2) Cr.P.C. provides that in the event the Officer incharge of the police station does not find any sufficient grounds for entering into an investigation, he shall state his reasons therefor in his report and duly notify the complainant of the fact that he would not investigate the case or cause it to be investigated.

Sri Nazir Ahmed Khan, learned counsel for the petitioner, states that no information has been given to the petitioner by the police authorities under this provision till date.

In that view of the matter, the writ petition is disposed of directing the police authorities to furnish a copy of the report recording the reasons for not investigating the offence, as required under Section 157(2) Cr.P.C., within two weeks from the

date of receipt of a copy of this order. It shall be open to the petitioner to take recourse to appropriate remedies in accordance with law if he is aggrieved by the findings recorded in the said report.

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

SANJAY KUMAR, J

27th NOVEMBER, 2015

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