

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.34286 of 2016

ORDER:

1. This writ petition is filed seeking to issue a Writ of Mandamus declaring the action of the 3rd respondent in not receiving the complaint lodged by the petitioner dated 11.3.2013, as illegal and arbitrary and consequently, to direct the 3rd respondent to receive the complaint given by the petitioner.

2. Heard and perused the material available on record.

3. It is stated in the affidavit that One Lakshmi Kanthamma entered into an agreement for purchase of the land of the petitioner and later, she did not come forward for getting a registered sale deed and when he approached one Madhu Prasad Rao to settle the issue and he demanded Rs.50,000/- to settle the issue and as a guarantee, he got executed a blank old stamp papers and obtained signatures of the petitioner on some blank papers. As the issue was settled, the petitioner gave Rs.50,000/- to the said Madhu Prasad Rao as agreed. But the said Prasad Rao did not return his blank old stamp papers and blank white papers. He demanded Rs.1,00,000/-. As the petitioner refused to pay, he used to call him over telephone and abuse him in filthy language. Therefore, the petitioner lodged a complaint before the police on 11.3.2013. But the police having received the same, did not take any action.

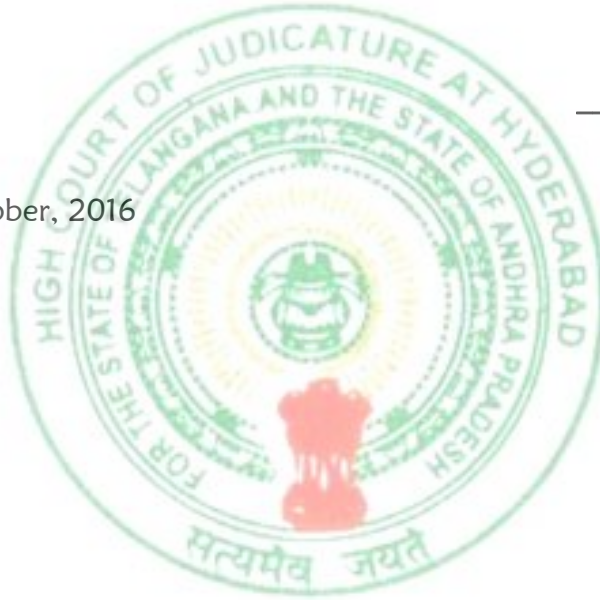
4. When a complaint is given to the Police, it is their duty to register the crime, if such complaint discloses any cognizable offence. Considering the facts and circumstances of the case, the Writ Petition is disposed of with the following direction:

“The 3rd respondent is directed to register the FIR, if any complaint is given by the petitioner as stated by him and if the said complaint discloses any cognizable offence, and proceed in accordance with law. If the 3rd respondent fails to register the FIR, the petitioner is at liberty to invoke the provisions of the Code of Criminal Procedure to seek his remedy before the appropriate forum.”

There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

Date: 17th October, 2016

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RAJA ELANGO, J

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Date: 17th October, 2016

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