

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.38219 of 2016

ORDER:

This writ petition is filed seeking to declare the action of respondents 2 to 5 in not registering the crime on the petitioner's complaint, dated 14.08.2016, submitted to the 5th respondent against respondents 6 to 9, as illegal and arbitrary.

Heard and perused the material available on record.

The case of the petitioner is that the petitioner is the President of Ajay Voluntary Organisation and some years ago, a bus shelter has been constructed in Government land in the main road at Kolanka, near Gram Panchayat Office with the donations of the donors for the convenience of the general public of Kolanka village and its surrounding villages, but respondents 6 to 9 are demolishing the said bus shelter with JBC on 13.08.2016 so as to construct a commercial complex therein and that on questioning the same, respondents 6 to 9 assaulted the petitioner and threatened the petitioner and others with dire consequences, upon which the petitioner lodged a complaint with the 5th respondent on 14.09.2016 against respondents 6 to 9. The main grievance of the petitioner is that though the complaint is lodged by the petitioner on 14.09.2016, but till now no action is taken against respondents 6 to 9 by the respondent police.

A perusal of the record does not disclose the receipt of complaint by any of the respondents herein.

Considering the grievance of the petitioner, if the petitioner really aggrieved over the attitude of respondents 6 to 9, then the petitioner is at liberty to forward the said complaint, dated

14.08.2016, to the Superintendent of Police, East Godavari District at Kakinada (3rd respondent) and after the said complaint is lodged, the 3rd respondent is directed to direct the 5th respondent to register a case against respondents 6 to 9, if the complaint lodged by the petitioner, dated 14.08.2016, discloses any cognizable offence and investigate into the same and file a final report, if any. If the petitioner is aggrieved by the action of the 5th respondent, he is at liberty to approach the superior officer of 5th respondent and also to approach the concerned Court by invoking provision under Section 200 Cr.P.C.

Accordingly, the Writ Petition is disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

Date: 8th November, 2016

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RAJA ELANGO,J

