

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.31089 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking a direction to the 2nd respondent to consider the petitioner's complaint/representation, dated 06.05.2016, which is seeking to take action against the unofficial respondent by declaring the alleged notice vide Pol.B.No.75A, Crime No.23 of 2015 of Medipally Police Station, as illegal and arbitrary.

Heard and perused the material available on record.

The grievance of the petitioner is that she received a notice, dated 29.04.2016, from the 5th respondent which reads as follows:

“Please take notice that your complaint under Sec. 3(V) (VI) of SC/ST (POA) Act 1989 and Sec 448, 455 r/w 34 IPC & Sec 156 (3) Cr.PC has been reported to the III M.M Magistrate at LB Nagar as False and that if you want to oppose this report you will have to do as before the above Magistrate within week from the date of receipt of this notice.”

In the said report, the crime number is mentioned as Crime No.23 of 2015, but when the petitioner filed a private complaint under Section 200 Cr.P.C. before the III Metropolitan Magistrate pertaining to the complaint, dated 18.07.2015, the same was registered as FIR No.626 of 2015, dated 01.10.2015, by the Medipally Police Station for the offences under Sections 448, 455 & 34 IPC and Sections 3(1)(v) & 3(1)(vi) of the SCs & STs (POA) Act and Section 156(3) Cr.P.C., but the impugned notice issued by the 5th respondent reveals a different crime number, which is totally not connected with the complaint given by the petitioner. The main grievance of the petitioner is that the 5th respondent has

communicated a false notice to the petitioner in order to defeat the interest of the petitioner. Aggrieved by the same, the present writ petition is preferred by the petitioner.

The learned Government Pleader for Home informed the fact that the complaint of the petitioner is closed as false is true, but inadvertently the crime number is wrongly mentioned as Crime No.23 of 2015 and he also produced a final report filed by the Assistant Commissioner of Police, Malkajgiri Division, Cyberabad (3rd respondent), before this Court.

This Court perused the said final report in which the crime number is clearly mentioned as Crime No.626 of 2015 and the 5th respondent has closed the complaint of the petitioner as false by an elaborate order. Hence, this Court is of the view that the petitioner is at liberty to approach the III Metropolitan Magistrate, L.B. Nagar, Cyberabad, where the final report is filed by the 3rd respondent and file a protest petition against the finding of the 5th respondent and on such application, the learned Magistrate is directed to consider the same in accordance with law.

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

RAJA ELANGO,J

Date: 20th October, 2016

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