

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.4127 of 2016

ORDER:

The prayer of the petitioner in this case is as under:

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue a writ or order or direction more particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the official respondents particularly Respondent No.4 in not registering the FIR according to Section 154(1) of Cr.P.C. and not getting conducting investigation according to Section 156 & 157 of Cr.P.C. basing on my report dated 12-10-2015, which discloses commission of cognizable offences punishable under Sections 120-B, 302, 326, 201 of IPC r/w 34 of IPC is illegal, arbitrary, unconstitutional, contrary to Section 154(1) of Cr.P.C. and Article 21 of Constitution of India and consequently direct the official Respondents to register the FIR and proceed with the investigation basing on my report dt. 12-10-2015 disclosing the commission of cognizable offences punishable under Sections 120-B, 302, 326, 201 of IPC r/w 34 of IPC and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

The Sub-Inspector of Police, Gudivada Taluka Police Station, Krishna District, furnished written instructions dated 18.02.2016 to the office of the learned Government Pleader for Home, wherein he stated that only a xerox copy of the complaint was received by the police authorities. However, when the whereabouts of the petitioner were enquired for the purpose of obtaining the original copy, it was found that he was not residing at the address shown in the complaint.

In the light of the categorical statements made by the police authorities, Sri B. Prakasam, learned counsel representing Sri G. Ronald Raju, learned counsel for the petitioner, stated that his client would make a fresh complaint.

The writ petition is accordingly disposed of leaving it open to the petitioner to make a fresh complaint in accordance with law, if

warranted. Needless to state, in the event any such complaint is made, the police authorities are bound to take action thereupon in accordance with the directions of the Supreme Court in **Lalita Kumari v. Government of Uttar Pradesh**^[1].

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

JUSTICE SANJAY KUMAR

1st March, 2016
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^[1] (2014) 2 SCC 1