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THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.22528 of 2010

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ORDER:

This writ petition was filed for the following relief:

“to issue a writ order or direction one in the nature of Writ of Mandamus declaring the inaction of respondent No.2 in not registering the F.I.R. on petitioner's complaint dated 15.05.2010 through telegram and dated 18.05.2010 through Registered post with acknowledgment due is highly arbitrary, illegal and unconstitutional and violative under Articles 14 and 21 of the Constitution of India and consequently direct respondent No.2 to discharge his lawful duties and conduct necessary investigation for grievance of the petitioner.”

Counter affidavit is filed by respondent No.2 stating as follows:

“5. It is respectfully submitted that the contents of the complaint dated 15.5.2010 sent by Dr.V.Ramachander complainant in Cr.No.116/2010 and the contents of the complaint of the petitioner herein which was sent by way of telegram dated 15.5.2010 are one and the same. Hence, no case was registered on the complaint of the petitioner herein. Already a case in Cr.No.116/2010 under the Head of Fire Accident was registered on the similar complaint of the petitioner dated 15.5.2010 which was sent by way of Telegram, on the file of Nacharam Police Station and investigated into.

6. It is respectfully submitted that two criminal cases were registered against the petitioner herein i.e., Cr.No.156/2010 U/sec.406, 420 IPC and Sec.5 of A.P. Depositors Financial Establishment Act, 1999 on 1.7.2010 and 2) Cr. No.108/2010 U/secs.406, 420 IPC and Sec.5 of A.P. Depositors Financial Establishment Act, 1999 on 30.4.2010. In both the crimes, respective charge sheets were filed against the petitioner herein before the concerned Hon'ble Court which is irrelevant to this subject matter of this writ petition. I submit that when

the petitioner sent telegram dated 15.5.2010 to the respondent police, he is absconding in the above criminal cases and his whereabouts are not known to the police at that point of time. Hence, no credence has given on his complaint. No injustice is caused in non-registering the complaint dated 15.5.2010 sent by the petitioner by way of Telegram as already a case in Cr.No.116/2010 under the Head of Fire Accident was registered and filed the final report before the Hon'ble Court referring the complaint as 'FIRE ACCIDENT'. Hence the writ petition deserves no consideration."

In view of the averments made in the counter affidavit, no relief can be granted in this writ petition, and accordingly, this Writ Petition is dismissed. No order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.RAMALINGESWARA RAO, J

25.04.2016

MVA