

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.2234 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, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent herein for not registering the Crime against the respondents 4 to 7 herein despite recording the petitioner's statement in the hospital on 11.12.2015 for taking the law in their hands and beat the petitioner mercilessly is illegal, arbitrary, unconstitutional and also contrary to the Apex Court judgment despite the petitioner got an injunction in C.M.A.No.16 of 2012 on the file of III Additional District Judge at Kakinada dt.12.02.2015 and consequently seek leave of this Hon'ble Court for grant of Police aid to the petitioner's property in C.M.A.No.16 of 2012 on the file of III Additional District Judge, East Godavari District at Kakinada dt.12.02.2015 and further direct the 2nd and 3rd respondents herein to register a crime and put the criminal law into motion against the respondents 4 to 7 herein and pass such other order or orders may deem fit and proper in the circumstances of the case.”

Written instructions dated 05.02.2016 were furnished by the Assistant Sub Inspector of Police, Gandepalli Police Station, East Godavari District, to the office of the learned Government Pleader for Home stating that insofar as the petitioner's prayer for police aid to secure compliance with the injunction order is concerned, the police authorities are ready to extend such assistance.

Sri V.Surendra Reddy, learned counsel for the petitioner, informed this Court that the interim injunction granted by the trial Court was not only confirmed by the learned III Additional District Judge, Kakinada, in C.M.A.No.16 of 2012, but was also affirmed by this Court, by order dated 05.02.2016, in C.R.P.No.4823 of 2015. The stand of the police authorities that they are ready to extend assistance for securing compliance with the injunction order is duly taken on record

and they are hereby directed to do so.

Insofar as the petitioner's complaint is concerned, the Assistant Sub Inspector of Police stated that the petitioner's statement was not recorded on 11.12.2015 as alleged by him. He further stated that the police authorities never received any intimation from the hospital and therefore the question of registering a F.I.R. did not arise.

In the light of this statement made by the police authorities, Sri V.Surendra Reddy, learned counsel, seeks leave to permit his client to make a fresh complaint. In the event any such complaint is made, the police authorities shall be mindful of the directions issued by the Supreme Court in ***LALITA KUMARI V/s. GOVERNMENT OF UTTAR PRADESH***^[1] and take appropriate action in accordance with law.

The writ petition is disposed of with the above directions.

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

SANJAY KUMAR, J

Date:08.02.2016
GJ

^[1] (2014) 2 SCC 1