

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.32343 OF 2016

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed seeking to issue a writ, order or direction in the nature of writ of *mandamus* to respondent Nos.1 and 2 to register the crime under Sections 3(j), 3(p), 3(q), 2(i), 2(ii), 2(v), 2 (va), 2(vi) and 2(vii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and declare the report bearing No.172/VPRM/Cyb/2016, dated 13.7.2016, on the file of respondent No.2 as illegal and arbitrary.

2. Heard and perused the material available on record.
3. Case of the petitioners is that petitioner No.1 filed a police complaint against respondent No.3 before the Station House Officer, Saroornagar Woman Police Station, Dilsukhnagar on 3.9.2015 and the same was transferred to respondent No.2, but respondent No.2 failed to register the crime. The inaction of respondent No.2 was reported to respondent No.1 for which, respondent No.2 sent a report No.172/VPRM/Cyb/2016, dated 13.7.2016, to respondent No.1 wherein it is stated as follows:

***“... On receipt of above petition, I secured the presence of petitioner’s husband Sri Venkatesh and caused enquiry about the fact with him. He stated that his wife Mannemma joined at Satya Bala Engineering Services at Vijayapuri Colony Phase-I in the month of Sep-2009 as Maid servant for salary of Rs.2500/- per month, but there is no appointment order. Her employer given salary of Rs.2500/- on every month to his wife till her removal i.e., on Jan-2015. A case has been filed against her employer in the Labour Court and it is pending.*”**

I obtained legal opinion from APPO Hayathnagar Court, he furnished opinion that the dispute is between employee and employer. There is no indignities, humiliation and harassment on the petitioner by the alleged respondent and no prima facie case to prosecute respondent under the provisions of the SCs & ST (POA) Act, 1989. As a case is already pending before the labour court, hence the petitioner was advised to approach concerned court, as it is civil matter.”

Aggrieved by the action of respondent Nos.1 and 2, they filed the present writ petition.

4. When the matter is posted for hearing, it is informed by learned Additional Government Pleader for Home that on receipt of the complaint from petitioner No.1, the Station House Officer, Vanasthalipuram Police Station obtained legal opinion from A.P.P.O, Hayathnagar Court and basing on the same, the case was not registered since the complaint does not disclose any cognizable offence.

5. Learned counsel for the petitioners submitted that the complaint discloses a cognizable offence and there is failure on the part of respondent Nos.1 and 2 in not registering the case.

6. Considering all the facts and circumstances of the case, this Court is of the view that it is needless to say that if a complaint filed by an aggrieved person discloses an offence, which is cognizable in nature, necessarily, the Station House Officer concerned has to register a case and investigate into the same. Hence, respondent Nos.1 and 2 herein are directed to register a case against respondent No.3 basing on the complaint, dated 3.9.2015, of petitioner No.1, if the complaint discloses a cognizable

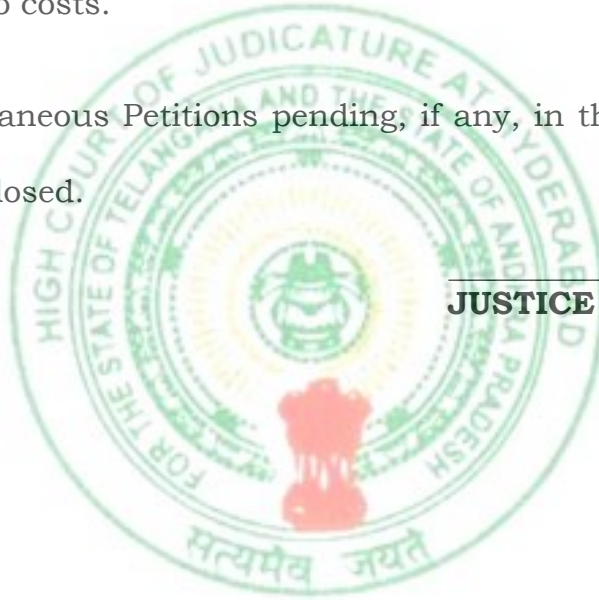
offence. If the petitioners are aggrieved by the action of respondent Nos.1 and 2, they are at liberty to approach the superior officer of respondent No.1 and also to approach the concerned Court by invoking the provision under Section 200 Cr.P.C. Respondent Nos.1 and 2 are further directed to inform the steps taken by them on the complaint lodged by petitioner No.1 to the petitioners within a period of fifteen (15) days from the date of receipt of a copy of this order.

7. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

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

20.10.2016
AMD

JUSTICE RAJA ELANGO



THE HONOURABLE SRI JUSTICE RAJA ELANGO



WRIT PETITION No.32343 OF 2016

Date: 20.10.2016

AMD