

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.9406 of 2016

ORDER:

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

“For the reasons stated in the accompanying affidavit, it is therefore 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 official respondents more particularly the 5th respondent in not registering a FIR against the 6th respondent pursuant to the report given by the petitioner dated 10-2-2016 on the file of the 5th respondent as being illegal, arbitrary, discriminatory, unconstitutional, contrary to the provisions of Criminal Procedure Code and contrary to the provisions of the SC & ST (Prevention of Atrocities) Act, 1989 and Rules made thereunder and consequently direct the official respondents to register a FIR pursuant to the complaint dated 10-02-2016 given by the petitioner and to conduct the investigation in a fair and unbiased manner against the 6th respondent and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Though this Court would normally dispose of a writ petition relating to inaction on the part of the police authorities in registering a FIR upon a complaint alleging a criminal offence by adverting to the law laid down by the Supreme Court in **Lalita Kumari v. Government of Uttar Pradesh**^[1], the case on hand stands on a different footing.

It is an unfortunate phenomenon of recent origin that persons in public life are taking recourse to court proceedings to settle their scores with rivals, ideological and/or political. The present case also appears to be an attempt in this regard. Registration of a FIR is sought against the Chief Minister of the State of Andhra Pradesh, who is impleaded by name, alleging that his utterances attract the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the Act of 1989'). The complainant

claims to be a former member of the A.P. State Commission for Scheduled Castes and Scheduled Tribes. The process of this Court is only being utilized for gaining popularity at best or to scandalize the Chief Minister. This Court strongly condemns this kind of abuse of process.

The writ petition is accordingly dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

22nd March, 2016

Note:-

Issue CC in two days.

B/o

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[\[1\]](#) (2014) 2 SCC 1