

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.34232 of 2016

ORDER:

The writ petition is filed by the petitioner seeking a writ of mandamus directing the inaction of the second respondent in registering the complaint, dated 06.01.2016, as arbitrary and illegal and consequently direct the second respondent to register the crime and proceed in accordance with law.

Heard and perused the material.

Learned counsel for the petitioner submits that though petitioner lodged a complaint, dated 06.01.2016, the second respondent refused to register the complaint and as such, seeks a direction to the second respondent to register the case and proceed in accordance with law.

Learned Assistant Government Pleader for Home (Telangana) submits that the petitioner has not submitted any complaint before the second respondent and the second respondent will register the crime if the petitioner lodges the complaint and if it discloses any cognizable offence.

Considering the rival submissions made by both the counsel, the writ petition is disposed of with a direction to the second respondent to register the complaint of the petitioner and conduct effective investigation and file final report, if any, in accordance with law. It is open to the petitioner to file fresh complaint, if the earlier one is not available with the police, and also open to the petitioner to approach the superior officer if there is any refusal by the second respondent to register the crime. The petitioner is also at liberty to file a private complaint by invoking Section 200 of Code of Criminal Procedure before the Court concerned.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any shall also stand disposed of.

JUSTICE RAJA ELANGO

17.10.2016
pln

