

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION NO.3073 OF 2016

O R D E R

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

'For the reasons stated in the accompanying affidavit the petitioner pray 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 inaction on the part of 4th respondent, neither investigate the matter nor register the crime in spite of the petitioner's representation dated 18-01-2016, illegal, irrational and arbitrary and violative of Articles 14 and 21 of Constitution of India and also the provisions of Code of Criminal Procedure, 1973, Indian Penal Code and Prevention of Damage to Public Property Act, 1984 and consequently direct the respondents 1 to 4 to investigate the matter and register the crime and pass such other orders or order as this Hon'ble Court may deem fit and proper in the circumstances of the case.'

Written instructions dated 08.02.2016 were furnished by the Assistant Sub Inspector of Police, J.Panguluru Police Station, Prakasam District, to the office of the learned Government Pleader for Home, wherein he stated that the complaint dated 18.01.2016 of the petitioner was never received by the police.

In the light of this categorical denial, Sri Naga Praveen Vankayalapati, learned counsel for the petitioner, fairly stated that liberty may be given to his client to make a fresh representation in accordance with the due procedure.

The writ petition is accordingly closed leaving it open to the petitioner to make a fresh complaint, if warranted, in accordance with the due procedure. Needless to state, in the event such a complaint is made, the police authorities are bound to act in accordance with the law laid down by the Supreme Court in ***LALITA KUMARI V/s. GOVERNMENT OF UTTAR PRADESH***. Pending miscellaneous petitions shall also stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

17th FEBRUARY, 2016

PGS