

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.910 of 2016
(ON BEING MENTIONED)

ORDER:

The grievance of the petitioner is that the police authorities failed to register an offence under Sections 307 and 506 I.P.C. against the unofficial respondents in the context of his complaint dated 05.12.2015. The crime was registered by the Station House Officer, Amberpet Police Station, Hyderabad, in F.I.R.No.357 of 2015 under Section 324 I.P.C. read with Section 34 I.P.C. It is the case of the petitioner that offences under Sections 307 and 506 I.P.C. are also made out, but the police authorities failed to take this aspect into account. It appears that the petitioner's complaint was registered upon the same being forwarded to the police authorities by the learned IV Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, under Section 156(3) Cr.P.C.

Learned Assistant Government Pleader for Home stated that it would be open to the Court below to monitor the investigation by the police authorities and the petitioner can approach the Court below in the event he is aggrieved by the manner in which the crime is being investigated. Reference in this regard was made to the decision of this Court in **Aknuri Kankaraj v. State of Telangana**^[1], wherein it was held that for ensuring proper investigation, the Magistrate concerned has the power to monitor the investigation under Section 156(3) Cr.P.C. but such power must be exercised cautiously and with judicious discretion. This Court further held that it would be open to the Magistrate concerned to direct the police to add additional sections to the F.I.R. and investigate as to whether an offence is made out thereunder and thereafter file a report.

In the light of the aforesaid judgment and as an efficacious alternative remedy is provided to the petitioner, this Court sees no

reason to entertain this writ petition.

The writ petition is accordingly closed leaving it open to the petitioner to avail the alternative remedy in accordance with law.

Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

SANJAY KUMAR, J

Date:18.01.2016

Note: Furnish C.C. in three days.

(B/o)

GJ

[\[1\]](#) 2015 (3) ALT (CrI.) 245 (A.P.)