

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.34645 of 2016

ORDER:

The writ petition is filed by the petitioners seeking a writ of mandamus declaring the delay and inaction on the part of the first respondent in taking appropriate action against the fifth respondent and other preventing them from repeating the offence, causing nuisance, wrongful restraint of public, obstruction of conducting of prayers at the first petitioner prayer house, in pursuant to the complaints made by the petitioners even in spite of registering the F.I.R.No.312 of 2016 as illegal and arbitrary, and consequently to direct respondents 1 to 3 to take appropriate action against the fifth respondent and others from repeating the commission of offences at the first petitioner prayer house.

Heard and perused the material.

Learned counsel for the petitioners submits that though the complaint given by the petitioners is registered being F.I.R.No.312 of 2016, the first respondent is not taking appropriate action against the fifth respondent and others who are preventing the devotees coming to the first petitioner prayer house for offering prayers. He further submits that the fifth respondent and others are continuing the offence every Sunday and as such, he seeks a direction to the first respondent to take appropriate action against the fifth respondent and others.

Learned Assistant Government Pleader for Home (Telangana) submits that the first respondent is investigating the matter and he will file final report after completion of the investigation.

Considering the facts and circumstances of the case, this Court is of the view that there is no need to pass any order when the case is registered and it is being investigated by the first respondent. Further, this Court has no jurisdiction to direct the investigating agency to investigate the matter in a

particular manner. Hence, this Court is not inclined to pass any order in this regard. Further, the grievance of the petitioners is that though the case is registered against the fifth respondent and others, they are continuously causing hardship to the devotees of the first petitioner prayer house. Hence, the petitioners are given liberty to lodge a complaint whenever there is a breach of peace or interference by any third parties or by the fifth respondent. The first respondent is directed to register the case, on such application being filed and if the same discloses the cognizable offence and conduct investigation and file final report, if any, in accordance with law. It is also made clear that if the first respondent refuses to register the complaint, the petitioners are liberty to approach the superior officer against the refusal of registration of complaint or they can file a private complaint by invoking Section 200 of Code of Criminal Procedure.

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

26.10.2016
pln

JUSTICE RAJA ELANGO

