

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SMT.JUSTICE T. RAJANI**

WRIT APPEAL No.633 of 2017

JUDGMENT: *(Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)*

Heard Sri P. Prabhakar Reddy, learned counsel for the appellant, and the learned Government Pleader for Home (Telangana) appearing on behalf of the respondents, and with their consent this writ appeal is disposed of at the stage of admission.

The appellant herein is the petitioner in W.P.No.7883 of 2017 wherein he sought a *mandamus* to declare the action of respondents 2 to 4 in not registering his complaint dated 02.01.2017 alleging that the fifth respondent had forged and fabricated the Trade Licences relating to the years 1995 to 1999, as arbitrary and illegal. In the order under appeal dated 17.03.2017, the learned Single Judge, relying on the submission of the learned Government Pleader for Home that the said complaint was not registered as it was civil in nature, observed that the petitioner was at liberty to take appropriate proceedings by filing a private complaint if he is so advised.

It is evident from the complaint that the appellant-writ petitioner alleges that the fifth respondent had committed forgery of certain documents which is a cognizable offence. Section 154 Cr.P.C obligates the Station House Officer to register complaints, if they disclose a cognizable offence. It is always open to the Investigating Officer, after the complaint is registered and during the course of investigation, if he is satisfied that a cognizable offence is not made out, to submit a report accordingly under Section 173 Cr.P.C. It is, however, not open to the Station House

Officer, at the very threshold when a complaint is lodged, to refuse to register the complaint, disclosing commission of a cognizable offence, under Section 154 Cr.P.C. The order under appeal is set aside. The fourth respondent shall forthwith register the complaint lodged by the appellant-petitioner, and investigate the same in accordance with law.

The Writ Appeal is accordingly disposed of. Miscellaneous Petitions pending, if any, shall stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(T. RAJANI, J)

Date: 05.06.2017
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Date: 5.6.2017

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