

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No. 23761 of 2017

ORDER:-

Heard Sri B. Shankar, counsel for the petitioner, the Assistant Government Pleaders for respondent Nos.1 to 4 and Sri P. Nagender Reddy, counsel for respondent No.5.

The petitioner – Mariam Fatima is personally present in the Court.

The prayer is against inaction of respondent No.4 in registering F.I.R. on the complaint dated 16.06.2017, as illegal, arbitrary and unconstitutional. Yet another controversy between the petitioner and the 5th respondent is on the alleged withholding of original certificates entrusted by the petitioner in favour of the 5th respondent while accepting the employment in the 5th respondent – Company.

The 4th respondent is present in the Court and has produced the file/statements recorded by him on the complaint dated 16.06.2017. At the time of hearing, without prejudice to the rights and contentions, if the 5th respondent has any certificates under Employment Agreement executed by the petitioner, to which a reference is made in the complaint, are returned under an acknowledgement, the same is attested by the counsel appearing for the petitioner. Therefore, that aspect of the matter is settled during and in course of hearing the writ petition. Adverting to the

complaint dated 16.06.2017, the Assistant Government Pleader informs the Court that since the 4th respondent has already informed the petitioner that the complaint is civil in nature, no cognizable offence is made out for taking further action in the matter. The petitioner is given liberty to work out the remedies in accordance with law before the competent Court if interested on the communication given by the 4th respondent.

Sri P. Nagender Reddy, counsel for the 5th respondent submits that the 5th respondent has a few obligations to enforce under Employment Agreement and it may be made clear that if the 5th respondent is interested in working out those reliefs, the remedies may not be closed. The civil and criminal liabilities/obligations if any to be pursued by the parties, are left open since a reply is already given by the 4th respondent.

The writ petition is closed as no further order is necessary. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

S.V. BHATT, J

02.11.2017

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