

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.9292 OF 2017

ORDER:

This writ petition is filed challenging the action of the respondents 1 to 4 in not registering the F.I.R., pursuant to the complaint dated 01.03.2017 against the respondents 5 to 7.

The learned Government Pleader, on the written instructions, submits that the petitioner earlier lodged a complaint on 16.02.2017 with the fourth respondent against the respondents 5 to 7 and fifteen others in respect of the land possessed by her and based on the complaint, crime No.41 of 2017 was registered on the same day.

Since the present complaint states that after registering the earlier complaint, there was a threat of dispossession and the same was entered in the General Diary and the contents of the complaint were noted as similar to the complaint dated 16.02.2017 and hence, no fresh F.I.R., was registered. Against the petitioner and others, crime No.42 of 2017 was registered on 16.02.2017 and the same is pending investigation.

In view of the disputes between the petitioner and the respondents 5 and 6, a case in crime No.50 of 2017 was registered on 28.02.2017 for the offence under Section 107 of Code of Criminal Procedure and the matter is pending before the Sub Divisional Magistrate, Jangareddygudem. In respect of the said land, previously two criminal cases were registered on the complaint of the fifth respondent against the husband of the petitioner. The case is pending trial in C.C.No.874 of 2015 before the Judicial First Class Magistrate, Jangareddygudem and crime No.25 of 2017 was registered on the complaint of the fifth respondent against the husband of the petitioner and three others. The said case is under investigation.

Since there is a case and counter case in respect of the same property, and investigation is pending, there is no need for registration of fresh F.I.R., and it is open to the investigating authority to take subsequent facts into consideration and file comprehensive report.

The writ petition is accordingly disposed of. Miscellaneous petitions, if any, pending in the writ petition shall stand closed.

A.RAMALINGESWARA RAO, J

03.04.2017
pln

