

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.2168 OF 2012

ORDER:

The petitioner prays for Mandamus declaring the action of respondents 1 to 3 in not registering crime under Section 154 Cr.P.C and not investigating into the complaint of the petitioner dated 14.10.2011, as illegal. The petitioner prays for a consequential direction to register the complaint dated 14.10.2011 and proceed in accordance with law.

The petitioner and 4th respondent, from the material available on record, are neighbours. On 14.10.2011, the petitioner has given complaint to 2nd respondent against 4th respondent. The gist of the complaint is that the 4th respondent is working as a reporter of Andhra Jyothi Newspaper and through acts of commission and omission is causing nuisance to petitioner. One of the commissions pointed out against 4th respondent is that the 4th respondent is discharging or pouring waste water in front of petitioner's house. Further, the 4th respondent has set up bunks and obstructing the way of petitioner. It is further alleged that when this nuisance was brought to the notice of 4th respondent, the 4th respondent tried to kill the petitioner. However, the petitioner escaped from the clutches of 4th respondent and secured himself safely in his house. As the 3rd respondent was not receiving the complaint, the same was sent by registered post acknowledgement due to respondents 1 to 3. In spite of sending the complaint by RPAD, steps are not taken to register or investigate the crime. Hence, the writ petition.

The 3rd respondent filed counter affidavit denying the material allegations made by the petitioner. The 3rd respondent specifically denies that the petitioner never attempted to give complaint against 4th respondent. However, for reasons best known to him, the petitioner sent complaint dated 14.10.2011 by registered post acknowledgement due. According to 3rd respondent, the complaint received was examined, and it transpired that the complaint relates to discharge or pouring waste water etc., and it is purely a civil dispute between the parties and no cognizable offence is made out warranting registration of a crime. He admits to have not registered the crime, as he was satisfied with the preliminary investigation. It is further stated that the petitioner was advised to move the civil Court for appropriate orders against respondent No.4. The 3rd respondent to demonstrate the tit for tat attitude exhibited continuously by petitioner and 4th respondent refers to a few cases and counter cases between the parties. He states that either in the trial or in the investigation it is transpiring that the allegations are false. Therefore, he prays for dismissing the writ petition.

The affidavit of 3rd respondent is self-explanatory for not registering a crime against 4th respondent. At this stage of the matter, this Court merely examines as to whether in spite of a cognizable offence being brought to the notice of 3rd respondent, the F.I.R is registered or not and nothing more. From the reply of 3rd respondent, this Court is satisfied that the reasons for not undertaking further investigation or registering the

crime are tenable. Therefore, no exception can be made out. The inaction, if any, does not prohibit the petitioner from availing remedies in accordance with law, but at the same time the writ remedy is misconceived.

Writ petition fails and is, accordingly, dismissed. There shall be no order as costs.

Consequently, pending miscellaneous petitions, if any, stand closed.

13th April, 2017

Lrkm



S.V.BHATT, J