

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.28630 OF 2017

Date 29.08.2017

Between:

G.Somappa

... Petitioner

AND

The State of A.P. rep. by its Principal Secretary, Home
Department, Secretariat, Velagapudi, Amaravathi,
Guntur District and others.

.....Respondents



HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.28630 of 2017

ORDER:

Writ petition is filed alleging non-registration of crime despite complaint made on 31.10.2016 followed with a reminder. Along with the writ petition, the petitioner enclosed the judgment and decree dated 08.09.2016 passed in O.S.No.125 of 2016 on the file of Junior Civil Judge, Palamaner, wherein injunction has been granted against the defendants, who are arrayed as aggressors in the complaint dated 31.10.2016.

A perusal of the complaint would disclose specific allegations against Sri D.Lakshmi Narayana, Sri D.Rajendra, Sri D.Raghuramappa and Sri G.Sukumur, which are cognisable in nature, and the complaint ought to have been registered.

The contention, of the learned Government Pleader for Home (AP), that respondent No.3 (Station House Officer, Baireddipalle Police Station, Chittoor District) never received the complaint from the petitioner, *prima facie*, cannot be accepted as yet another allegation is made in the complaint that the Station House Officer refused to receive the complaint by the local Sub-Inspector, who is alleged to have threatened the petitioner.

A perusal of the judgment and decree, in O.S.No.125 of 2016, would disclose that the petitioner has right and title

over the property, and is in possession and enjoyment, and had injunction in his favour. In the facts of the present case, petitioner had made out a case of negligence on the part of respondents in not-registering a crime despite presenting a complaint.

Taking into consideration the submissions made by the learned Government Pleader for Home (AP), there shall be a direction to respondents to take cognisance of the complaint dated 31.10.2016, in terms of the material documents filed before this Court, and also the allegations made in the writ affidavit as an FIR, and take necessary action for enforcement of the judgment and decree dated 08.09.2016 passed in O.S.No.125 of 2016. Learned Government Pleader for Home (AP) shall make over the papers in the writ petition, along with enclosures, to the Station House Officer concerned, and shall give clear instructions of the order of this Court.

The Writ Petition is, accordingly, disposed of.

Miscellaneous petitions pending, if any, shall also stand disposed of. However, in the circumstances, without costs.

CHALLA KODANDA RAM,J

Date:29.08.2017
Note:CC two days
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Usd











