

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.29071 of 2017

ORDER:

The petitioner prays for mandamus complaining against the inaction of 2nd and 3rd respondents in registering FIR on the report dated 13.02.2017, as illegal, arbitrary and unconstitutional.

The respondents after receiving notice through the 2nd respondent filed counter affidavit and the counter affidavit refers to pendency of Crime No.215 of 2016 where the petitioner is one of the accused and the details of arrest, judicial custody etc. In paragraph 6 of the counter affidavit, the 2nd respondent on compliant dated 13.02.2017 states thus:

“As stated supra, all the allegations of the petitioner in his representation dated 13.02.2017 are totally false and baseless and do not warrant registration of any crime against any person, as alleged in the writ petition. Apart from the above, the petitioner is in the habit of making all false and baseless complaints and has filed various complaints/representations either by him or through his wife, before various authorities, including A.P.State Legal Cell Authority, IGP, Guntur Range, DGP, A.P., State HRC, in this matter earlier, wherein enquiries were conducted and the allegations made therein were proved false.”

Mr Khader Mastan submits that, the view expressed in the counter affidavit is false and the documents on which petitioner is relying upon *prima facie* show the commissioning of offence and therefore prays for a direction to register the FIR.

Assistant Government Pleader for Home on the other hand contends that, as required, the complaint dated 13.02.2017 is received, matter is investigated and respondent Nos.2 and 3 is of the view that no case is made out warranting registration of Crime on report dated 13.02.2017.

After perusing the material, this Court is of the view that respondents 2 and 3, if have made, preliminary enquiry or investigation into the complaint and have come to a view on the complaint, they are free to communicate the view to the petitioner within two (02) weeks from the date of receipt of copy of the order. The petitioner is given liberty to workout remedies available against the said communication or independently in accordance with law.

Writ petition is dismissed with the above observations. No order as to costs. Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 31.10.2017
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