

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 32286 OF 2017

O R D E R:

This writ petition is filed complaining the partisan attitude of respondent No.4-Station House Officer, Mandapeta Town Police Station, East Godavari District, in not registering the complaint, dated 08.09.2017, filed by the petitioner though there are specific allegations with respect to creation of a forged document and using the same for the purpose of obtaining excise licence by respondent Nos.5 to 7.

After filing the writ petition and after the papers in the writ petition were served on respondent No.4 on 19.09.2017, the petitioner was summoned by respondent No.4 and his statement was recorded and based on the same, FIR No.151 of 2017 was registered under Sections 468 and 420 IPC read with Section 34 IPC on 20.09.2017. The grievance of the petitioner is that the statement was dictated by respondent No.4 and in the process, the allegation made in the original complaint dated 08.09.2017 do not form part of FIR. The petitioner alleges that there is no fair investigation. He submits that he has not yielded to the pressure of the police for settlement. He apprehends that necessary steps would not be taken by the police expeditiously and in a fair and proper manner.

Learned Government Pleader for Home (Andhra Pradesh) would submit that there is hardly any difference between the statement recorded on 20.09.2017, based on which FIR No.151 of 2017 was registered, and the complaint, dated 08.09.2017. She would also submit that on the allegation with regard to the forgery of a document after making a G.D. entry, a preliminary enquiry was conducted and in the process, statement of the petitioner came to be recorded by respondent No.4 and therefore, the apprehension of the petitioner is unfounded.

A perusal of the complaint, dated 08.09.2017, lodged by the petitioner categorically discloses that there are allegations against respondent Nos.5 to 7 that they have committed forgery and cheating, which are cognizable offences. In the circumstances, respondent No.4 ought to have forthwith registered FIR, and non-registration of FIR is contrary to the guidelines laid down by the Hon'ble Supreme Court in **Lalita Kumari vs. Government of Uttar Pradesh**¹.

However, in view of the statement made by the learned Government Pleader that FIR has already been registered, interests of justice would be served, if a direction is issued to respondent No.4 to include the complaint, dated 08.09.2017, as part of FIR No.151 of 2017, while conducting investigation, and

¹ (2014) 2 SCC 1

submit a final report before appropriate Court as required under Section 173 Cr.P.C.

Subject to the above, the writ petition is closed.

Consequently, the miscellaneous petitions, if any shall stand closed.

CHALLA KODANDA RAM, J

Dt:06.10.2017
kdl

