

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.34909 OF 2017

ORDER:

Heard Mr.C.Damodar Reddy for petitioner and the Assistant Government Pleader (Home) for respondents 1 to 5.

The petitioner prays for Mandamus declaring the action of respondents 4 and 5 in not registering the case and not taking action against 6th respondent, basing on petitioner's complaint dated 03.01.2017, as arbitrary, illegal and unconstitutional. The petitioner prays for a direction to respondents to take necessary action on the complaint dated 03.01.2017 by registering the case against 6th respondent.

The complaint dated 03.01.2017 was stated to have been sent to the Superintendent of Police, Railway Police District, Railway Rail Nilayam, Secunderabad/respondent No.4. The concluding portion of the complaint reads thus:

"I hereby want to ask you sir if the normal passengers be victimized for the mistake of the Indian Railways? and does the common man continuously become victim of the abusive use of the power by the Police Department?

In view of all my above statements that explain the grave injustice done to me, where I was wrongly manhandled for no mistake of mine, ignoring the negligence of the Indian Railways in displaying proper sign boards on the compartments, and further suppression of my citizens rights by the GRP Secunderabad, I request you to take necessary steps to ensure justice to me."

The counsel for petitioner submits that the inaction of 4th respondent in registering the crime is illegal and unconstitutional. The Assistant Government Pleader, on instructions, submits that the

petitioner complained to 4th respondent and annexure P-1 does not show that the copy is sent to station house officer who has jurisdiction on the alleged offences referred in the complaint dated 03.01.2017. He further submits that the petitioner can avail remedies under the criminal procedure code, particularly having regard to the official position held by 6th respondent and the inaction of 4th respondent in entertaining the complaint and doing the needful.

I have perused the record and noted the submissions of learned counsel appearing for the parties. This Court is of the view that the petitioner instead of complaining inaction ought to have acted as provided by the criminal procedure code by filing a private complaint. The counsel for petitioner requests liberty to avail the remedies available in this behalf. Granting the liberty as prayed for, the writ petition is dismissed. There shall be no order as to costs.

Consequently, pending miscellaneous petitions, stand closed.

23rd October, 2017

Lrkm

S.V.BHATT, J