

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION NO.36472 OF 2017

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking a writ of Mandamus declaring the action of the respondents in registering the FIR No.158 of 2017 of CCS, Hyderabad against the petitioner as illegal, arbitrary, unlawful and violative of Article 19 (1) (g) of Constitution of India, on various grounds.

Sri Venkat Reddy Donthi Reddy, learned counsel for the petitioner, after arguing for sometime, complained that the police are interfering with the business unlawfully and requested to pass appropriate orders, without insisting for grant of relief as claimed in the writ petition.

Learned Assistant Government Pleader for Home fairly conceded that police are not interfering with the lawful business of the petitioner based on the written instructions dated 06.11.2017 received from Assistant Commissioner of Police, Central Crime Station, Detective Department, Hyderabad.

In view of the submission made by the learned Assistant Government Pleader for Home, police cannot interfere with the lawful business of the petitioner.

Learned counsel for respondent No.5 contended that the relief claimed in the petition is contrary to law declared by the Apex Court in ***“Lalita Kumari v. Government of Uttar Pradesh¹”***.

As per the Judgment rendered in ***“Lalita Kumari v.***

¹ (2014) 2 SCC 1

Government of Uttar Pradesh” (referred supra) when a complaint was lodged with the police, the police are bound to register the crime and bound to proceed further if the allegations made in the complaint disclosed commission of cognizable offence.

There is no dispute with regard to law declared by the Apex Court in ***“Lalita Kumari v. Government of Uttar Pradesh”*** (refereed supra).

Earlier to ***“Lalita Kumari v. Government of Uttar Pradesh”*** (refereed supra) in ***“State of Haryana v. Bhajan Lal”***² also made it clear that when an information is received by police about commission of cognizable offence, the Station House Officer is bound to register the complaint and proceed to investigate into the offence subject to satisfying reasons to suspect the commission of offence.

However, in view of the limited request made by the learned counsel for the petitioner during hearing, this Court is not going to declare that the registration of F.I.R.No.158 of 2017 is illegal.

Recording the submission made by the learned Assistant Government Pleader for Home that the police are not interfering with the lawful business of the petitioner, the writ petition is disposed of. No costs.

The miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE M. SATYANARAYANA MURTHY

10.11.2017
Ksp

² 1992 Supp (1) SCC 335