

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI**

Writ Petition No.2468 of 2018

ORDER: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

The petitioner, a practising Advocate in Guntur, complaining of inaction on the part of the Sub-Inspector of Police, Cherukupalli Police Station (5th respondent herein), to register the complaint made by the petitioner dated 14.01.2018, and to issue a receipt immediately after receipt of the complaint, as illegal and arbitrary.

The petitioner has enclosed a copy of the complaint, along with the writ petition, wherein he alleged that the unofficial respondents herein had indulged in cock-fights and other gambling activities on 14.01.2018 from 11:00 am to 5:00 pm; and they had, thereby, violated the orders passed by the High Court. On the ground that his complaint was not received or registered, he has invoked the jurisdiction of this Court.

While the learned Government Pleader for Home would submit that no such complaint has been received, Sri O.Manohar Reddy, learned counsel for respondent Nos.6 to 9, would submit that the Writ Petition as filed is not bonafide, the petitioner belongs to a rival political party to the political party to which the unofficial respondents belong; and the process of Court is sought to be abused by the petitioner to settle political scores.

Section 154(1) Cr.P.C stipulates that every information, relating to the commission of a cognizable offence, shall be entered in a book to be kept by such officer in such form as the State Government may prescribe in this behalf. If the complaint discloses commission of a cognisable offence, the Station House Officer concerned is bound to register it, and take up investigation into the allegations made therein.

The truth or otherwise of the complaint are not matters which would, ordinarily, be examined at the stage of registration of the complaint under Section 154(1) of Cr.P.C. While failure on the part of the police officials, to register the complaint alleging commission of a cognizable offence, would enable the complainant to either approach the Superintendent of Police under Section 154(3) Cr.P.C, or the competent Magistrate under Section 156(3) thereof, the law declared by the Supreme Court, in **Lalita Kumari vs. State of U.P**¹ obligated the Station House Officer to register the complaint, if commission of a cognizable offence is made out from the allegations therein.

Learned Government Pleader for Home would contend that no such complaint has been filed till date. In case the petitioner submits another copy of the complaint, the Station House Officer concerned shall examine the contents of the complaint and, if a cognisable offence is made out therefrom, shall then register the same and undertake investigation in accordance with law. Suffice it to make it clear that mere registration of the complaint does not impute guilt on the part of the unofficial respondents, as these are all matters for investigation culminating in a final report being filed under Section 173(2) Cr.P.C.

The Writ Petition stands disposed of accordingly. Miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(KONGARA VIJAYA LAKSHMI, J)

07th March, 2018
JSU

¹ (2014) 2 SCC 1

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