

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.5155 of 2018

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, with the following relief:

“To issue a writ or order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ declaring the action on the part of respondent Nos.2 to 4 in not registering the crime on the complaint dated 10.2.2018 lodged by the petitioner with the 2nd respondent is as illegal arbitrary and against to law and consequent direct the respondent Nos.2 to 4 to register the complaint dated 10.2.2018 as per law with further direction to follow due process of law before arresting the petitioner in an undisclosed crime registered at 4th respondent police station”

2. A counter affidavit deposited by the Superintendent of Police, YSR Kadapa district-2nd respondent herein is filed. Paragraphs 6 and 7 of the said counter read as under:

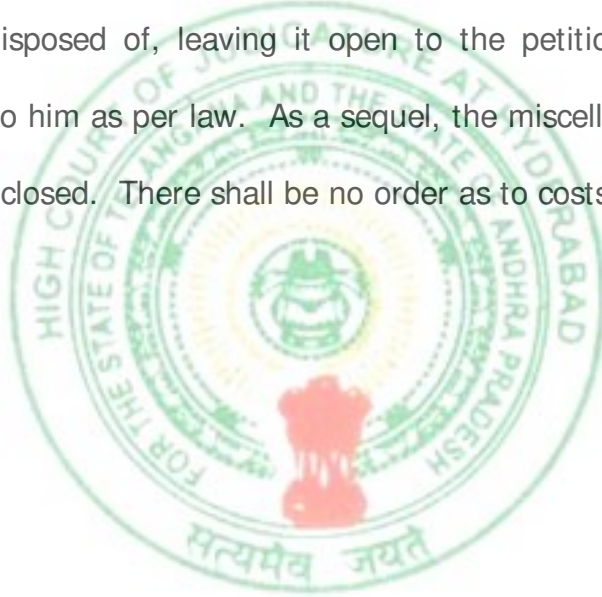
“6. It is relevant to submit here that the petitioner is a rowdy sheeter of Galiveedu P.S, and has been involved in the following cases:

- 1) Cr.No.7/2005, u/s. 224 IPC & Sec. 156(3) Cr.PC of LR Palli P.S., wherein the petitioner was convicted to pay a fine of Rs. 500/- vide CC No. 147/05, dt. 20.08.2007 by the Hon'ble JFCM Court, LR Palli.
- 2) Cr.No.97/2007, u/s. 324 r/w. 34 IPC of Galiveedu PS, which was ended in acquittal subsequently.
- 3) Cr.No.61/2010, u/s.353, 323, 290 IPC of Galiveedu PS, which was ended in acquittal subsequently.
- 4) Cr.No.77/2011, u/s.160 IPC of Galiveedu PS, wherein the petitioner was convicted to pay a fine of Rs.100/- vide STC No. 49/2007, dt.06.01.2012 by the Hon'ble JFCM Court, LR Palli.
- 5) Cr.No.35/2016 u/s.419, 471, 506 r/w 34 IPC and Section 12 of Passport Act of Galiveedu PS, wherein the petitioner is A3, wherein after completion of investigation charge sheet is filed and the case is now pending trial vide C.C.No.236/16 on the file of the Hon'ble JFCM Court, L.R.Palli”.

7. In view of the facts and circumstances explained supra, there is no inaction on the part of the Respondents 2 to 4 herein in taking action on the representation of the petitioner dated 10.2.2018 as alleged in the writ petition. In fact, enquiry conducted in respect of the representations dated 10.2.2018 and 12.2.2-018 of the petitioner disclosed that the allegations made by the petitioner against the police personnel are incorrect and untenable and therefore, the question of taking action against the police personnel named therein does not arise. All other allegations of the petitioner against the respondent police authorities in the writ petition are totally false, baseless and the same are hereby specifically denied”.

3. By placing on record the above mentioned averments, the writ petition is accordingly disposed of, leaving it open to the petitioner to avail other remedies open to him as per law. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

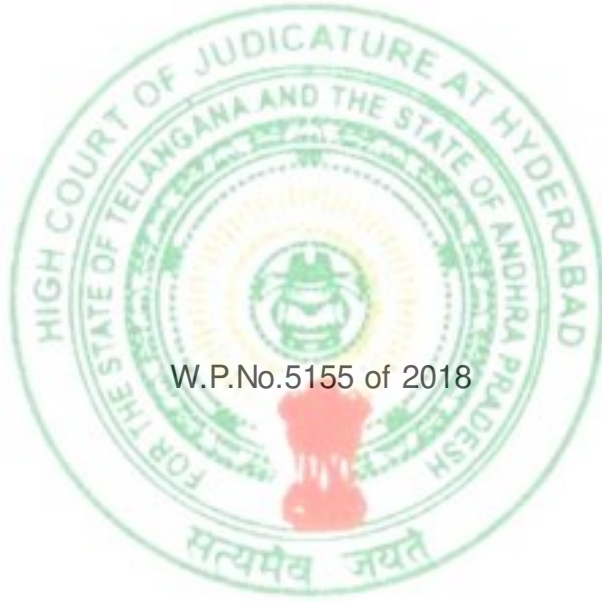
Date: 3.12.2018
DA



A.V.SESHA SAI, J



THE HON'BLE SRI JUSTICE A.V.SESHA SAI



3.12.2018

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