

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.10059 of 2018

ORDER:

In this writ petition, under Article 226 of the Constitution of India, the only grievance of the petitioner is with regard to the inaction of the third respondent in registering a crime on the complaint, dated 20.03.2018, lodged by the petitioner against the unofficial respondents.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Home (Telangana) appearing for respondents 1 to 3. Perused material record.

3. Learned counsel for the petitioner would submit that if a direction is given to the police officer concerned to register a crime and investigate into the same in accordance with the procedure established by law, the ends of justice would be met.

4. Learned Government Pleader for Home, on written instructions, dated 02.04.2018, a copy of which is placed on record, would submit that the Sub Inspector of Police, Begumpet Police Station, registered a case in Crime No.79 of 2018, on 15.03.2018, for the offence punishable under Section 447 read with Section 34 I.P.C. against the petitioner herein and that investigation into the said crime is in progress. On further instructions, dated 11.04.2018, a copy of which is placed on record, learned Government Pleader would submit that the petitioner, in her report, dated

20.03.2018, lodged with the police, made allegations against her husband; that the husband of the petitioner also sent complaint, dated 22.01.2018, from Zedda of Saudi Arabia, to the Commissioner of Police, Hyderabad City, and another complaint, dated 15.02.2018, from the Consulate General of India, Jedda, to the Station House Officer, Nampally Police Station, Hyderabad, requesting to initiate action against his wife; that both the complaints of the husband and wife are entered in General Diary of the police station; and, that after enquiry, appropriate action would be initiated.

5. The scope and import of the statutory obligation of the police to register a FIR upon receiving a complaint is no longer *res integra*. In **LALITA KUMARI V/s. GOVERNMENT OF UTTAR PRADESH**¹, the Supreme Court, speaking through a Constitution Bench, summarized the law in connection with the registration of crimes.

6. In the light of the precedential guidelines in the aforestated decision of the Supreme Court, it is not open to the police authorities to deviate therefrom after receiving a complaint alleging a cognizable offence. In the event the offence alleged is a non-cognizable one, the police authorities are bound to follow the due procedure laid down in Section 155 of the Code of Criminal Procedure, 1973. In any event, the police authorities must take suitable action in the matter expeditiously.

¹ (2014) 2 SCC 1

7. In the result, the writ petition is disposed of directing the respondent police authorities to follow the due procedure established by law and the precedential guidelines in the aforestated decision of the Supreme Court, and take suitable action accordingly. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M. SEETHARAMA MURTI, J

Date: 11.04.2018
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