

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.10668 of 2018

ORDER:

In this writ petition, the only grievance of the petitioner is in respect of inaction of official respondents 1 to 5 in registering a crime on the written complaint, dated 14.03.2018, lodged by him with the police officers.

At the hearing, learned counsel for the petitioner would submit that the ends of justice would be met, if a direction is given to follow the precedential guidelines in the decision in **Lalita Kumari vs. Government of Uttar Pradesh**¹ rendered by the Constitution Bench of the Supreme Court.

Learned Government Pleader for Home, on written instructions dated 29.03.2018, a copy of which is placed on record, would submit as follows:

‘On a complaint of one P. Ayyappa, Incharge Tahsildar, Asif Nagar Mandal, lodged with the police of Asifnagar Police Station, a case in Crime No.58 of 2018 was registered for the offence punishable under Section 188 of the Indian Penal Code and that investigation is taken up into the said crime, on 25.03.2018.’ A copy of the First Information Report issued in the said crime is placed on record along with the copy of the written instructions.

¹ (2014) 2 SCC 1

Insofar as the report/complaint of the petitioner, the learned Government Pleader, on the aforesaid written instructions, would submit that the police officer is following the guidelines in **Lalita Kumari's** case afore-stated. Having stated so, the learned Government Pleader would submit that since the guidelines in the afore-stated precedent are being followed and as the request of the petitioner is also to direct the police to follow the said guidelines, no further cause survives for adjudication in the writ petition.

However, learned counsel appearing for the petitioner would submit that though the complaint/report of the petitioner is prior in point of time, the same is withheld by the police since the accused is a Government servant; that the said Government servant's complaint, which is later in point of time, is given precedence and a crime is thus registered.

Be that as it may, in the light of the settled legal position in the afore-cited precedent, it is not open to the police authorities to keep quiet without taking appropriate necessary action, after receiving a complaint alleging a cognizable criminal offence. In the event the offence alleged is non-cognizable, the police authorities are bound to follow the procedure laid down in Section 155 Cr.P.C. In any event, the police authorities must take suitable action on receipt of a complaint/report.

Recording the submissions of the learned Government Pleader that the police authorities are following the precedential guidelines in

the afore-cited precedent, the writ petition is disposed of directing the Police Officer concerned to take suitable action in accordance with the precedential guidelines in the afore-stated decision of the Supreme Court.

Miscellaneous petitions pending, if any, in this Writ Petition shall stand closed.

M.SEETHARAMA MURTI, J

25.04.2018

Note: Issue CC in two days

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