

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.10833 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim the following relief:

“For the reasons stated in the accompanying affidavit the petitioner herein pray that this Hon’ble court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus to declare the delay and inaction on the part of the respondent No.1 in registering the FIR in pursuant to the complaint dt.17-07-2017 made by the petitioner against the respondent No.4 and others even though the contents of the complaint clearly disclose the commission of the cognizable offence committed by the respondent No.4 and others as arbitrary, illegal and contrary to Sec.154 Cr.P.C. and consequently direct the respondent No.1 to register the FIR based on the complaint dt.17-07-2017 made by the petitioner and proceed with the investigation in accordance with law in the interest of justice.”

2. I have heard the submissions of Sri *P.Nagendra Reddy*, learned counsel appearing for the petitioner, and of the learned Government Pleader for Home (A.P.) appearing for the respondents 1 to 3. I have perused the material record.

3. Learned counsel for the petitioner would submit that the petitioner made a complaint, dated 17.07.2017, by submitting a copy of the same by Registered Post, to the Station House Officer, Nandigama Town Police Station, Nandigama, Krishna District, 1st respondent herein, and that the said complaint is duly served on the said Police Officer and that the contents of the said complaint disclose commission of cognizable offences and that one of the averments in the said complaint is furnishing of false information to the public servant with an intention to commit extortion and

that the averments also disclose the ingredients of the offence of conspiracy against the persons mentioned in the complaint and that though the complaint has been received, no action has been taken and no crime has been registered, in accordance with procedure established by law.

4. Learned Government Pleader for Home, on written instructions, a copy of which is placed on record, would submit that a report, dated 17.07.2017, was received by the 1st respondent and based on the same, a case in Crime No.164 of 2017 was registered, on 06.07.2017, for the offences punishable under Section 3(1)(r)(s) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015, on the file of the Police Station of the 1st respondent; that the said report was lodged by the 4th respondent; that an authorised Police Officer is investigating into the said crime; that the representation/complaint of the petitioner, dated 17.07.2017, does not disclose any cognizable offence; that, therefore, an entry was made in the General Diary of the Police Station, on 18.07.2017; that after conducting an enquiry, the contents of the report of the petitioner are found to be apparently false; and, that the complaint was made in view of the registration of the crime afore-stated against the petitioner.

5. In reply, learned counsel for the petitioner would submit that the report of the preliminary enquiry conducted on the complaint of the petitioner and the result of the said preliminary enquiry are not furnished to the petitioner, by following the procedure established by law. He would also submit that if a copy of the

same is supplied, the petitioner would pursue the remedies available under law.

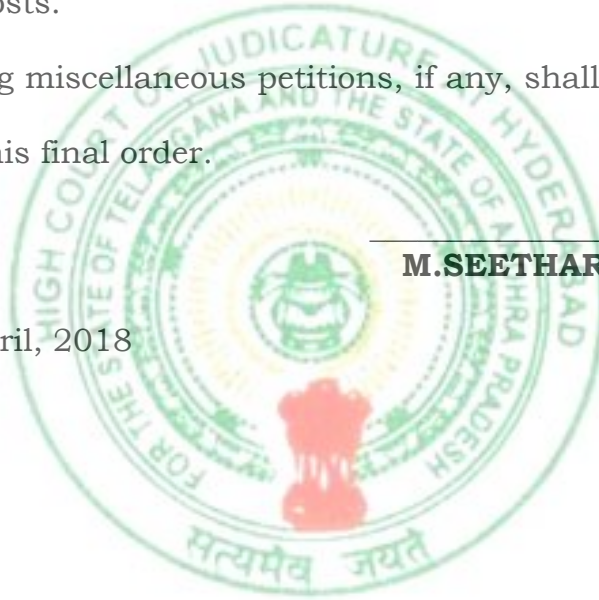
6. Having regard to the facts and submissions, the Writ Petition is disposed of directing the Station House Officer, Nandigama Town Police Station, Nandigama, Krishna District, 1st respondent herein, to furnish a copy of the preliminary enquiry report showing the reasons and the result of the said enquiry to the petitioner to enable the petitioner to pursue further legal remedies, in accordance with procedure established by law. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

M.SEETHARAMA MURTI, J

Date: 13th April, 2018

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