

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.12011 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner questioning the inaction of the respondents 2 & 3 in registering a crime pursuant to the complaint, dated 12.03.2018, lodged by the petitioner with the Station House Officer, Gudivada II Town Police Station, Gudivada, Krishna District/3rd respondent herein.

2. I have heard the submissions of Sri *P.Veera Reddy*, learned Senior Counsel, representing Sri *K.Srinivas*, 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 Senior counsel appearing for the petitioner would submit that when a written complaint disclosing cognizable offence is received by the Police Officer, he is bound to register a crime and investigate into the crime and that the said legal position is also reiterated by a Constitution Bench of the Supreme Court in **Lalita Kumari Vs. Government of Uttar Pradesh**¹.

4. Learned Government Pleader for Home, on written instructions, dated 18.04.2018, a copy of which is placed on record, would submit that the petitioner sent a complaint to the 2nd respondent, on 12.03.2018, by Registered Post and that thereupon the same was endorsed to the 3rd respondent and that on that, the 3rd respondent made an entry in NRC Register *vide*

¹ (2014) 2 SCC 1

C.No.82/G2/SDO-G/2018, on 10.04.2018, and that an enquiry revealed that the matter relates to election dispute and, therefore, it is opined that the Election Commission or Election Tribunal is only competent to deal with the matter and, therefore, no further action is taken on the complaint of the petitioner.

5. I have given earnest consideration to the facts and submissions.

6. The scope and statutory obligation of the police to register an FIR on receipt of a complaint is no longer *res integra* in view of the precedential guidelines in the afore-stated decision.

7. In the light of the afore-stated settled legal position, it is not open to the police authorities to keep quiet on receipt of a complaint disclosing or alleging a cognizable criminal offence. In the event the offence alleged in the report 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, in accordance with law, expeditiously.

Accordingly, the Writ Petition is disposed of reiterating the precedential guidelines in the afore-stated decision and directing the respondents 2 & 3 to take suitable action on the complaint of the petitioner within two (02) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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

M.SEETHARAMA MURTI, J

Date: 23rd April, 2018
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