

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.11702 OF 2018

ORDER:

In this writ petition, the only grievance of the writ petitioner is non-registration of a crime on his complaint/report though a crime has been registered in case in Crime No.125 of 2018 on 21.02.2018 against the petitioner at the instance of respondent No.4 and on the misrepresentation of facts by the said respondent to the police officers.

2. I have heard the submissions of Sri Ch.V.Prasad Babu, learned counsel for the petitioner, and the learned Government Pleader for Home (TG) appearing for respondent Nos.1 to 3. I have perused the material record.

3. Learned Government Pleader for Home, on written instructions, dated 18.04.2018, having placed a copy of the same on record, submits that respondent No.4 lodged a report on 21.02.2018 at 21:00 hours and on that, a case in Crime No.125 of 2018 was registered by the Station House Officer, Hayathnagar Police Station against the petitioner herein for the offences under Sections 419, 420, 468 & 471 I.P.C.; that the investigation into the said case is in progress and that on the report lodged by the petitioner, a preliminary enquiry was made; that the complaint/report of the petitioner discloses a counter case against respondent No.4; that only a full-fledged investigation is conducted in the crime already registered and it cannot be said whether the report lodged by respondent No.4 is false or not; that a preliminary

enquiry has already been conducted and the said fact is communicated to the petitioner on 15.04.2018.

4. Learned counsel for the petitioner, in reply, would submit that the report lodged by the petitioner discloses commission of cognizable offences and that a counter case ought to have been registered by the police.

5. Speaking through a Constitutional Bench, the Supreme Court summarized the law in connection with the registration of crimes in **Lalita Kumari Vs. Government of Uttar Pradesh**¹. In the light of the aforestated legal position, it is open to the police authorities to take any appropriate necessary action after receiving a complaint alleging commission of cognizable offences. As per the said guidelines, 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 Cr.P.C.

6. In that view of the matter, the Writ Petition is disposed of reiterating the guidelines of the Supreme Court in the aforestated precedent and directing the police officer concerned to take suitable action on the report lodged by the petitioner. There shall be no order as to costs.

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

JUSTICE M.SEETHARAMA MURTI

Date: 20.04.2018
AMD

¹ (2014) 2 SCC 1

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