

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.11868 OF 2018

ORDER:

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

“to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in not taking the action against the unofficial respondents who is having six criminal cases and who harassing the petitioner and her family members and insisting to withdraw the cases lodged by the petitioner against unofficial respondent, the police not taking any action for cancellation of the bail and not registering the case against the unofficial respondent basing on the complaint dated 6.3.2018 of the petitioner is illegal, arbitrary and against the principles of natural justice and also violative of Articles 14, 19 and 21 of the Constitution of India and also is against to the judgment of the apex court reported in Lalitha Kumari Vs State of UP and consequently direct the respondents police to register the crime against the unofficial respondent in the interest of justice.”

2. The main grievance of the writ petitioner is non-registration of a crime on her complaint/report, dated 06.03.2018, against the unofficial respondent despite the fact that he is a habitual criminal and six crimes have already been registered against him.

3. I have heard the submissions of Sri Mummaneni Srinivasa Rao, learned counsel for the petitioner, and the learned Government Pleader for Home (TG) appearing for respondent Nos.1 to 4. I have perused the material record.

4. Learned counsel for the petitioner, at the hearing, would submit that on account of inaction of the police officers, the

unofficial respondent is harassing the petitioner and her family members and is insisting to withdraw the case already filed by the petitioner against him and that the police officers are also not taking action for cancellation of bail orders obtained by the unofficial respondent. Learned counsel for the petitioner specifically brings to the notice of this Court the contents of the report/complaint aforestated.

5. Learned Government Pleader for Home, on written instructions, dated 10.04.2018, having placed a copy of the same on record, would submit that the police officers are not disputing about the registration of the crimes against the unofficial respondent; that on a report lodged by the petitioner on 06.03.2018, an entry was made in the General Diary of the police station and the enquiry thereafter made disclosed that certain cases are already pending against the unofficial respondent; that there is group rivalry between the petitioner on one hand and the unofficial respondent on the other and that the present complaint is false.

6. In the light of the above submissions, the issue involved is no longer *res integra*. There is a statutory obligation on the part of the police to register a crime and issue a F.I.R. upon receipt of a complaint. This legal position was summarized in connection with the registration of crimes in **Lalita Kumari Vs. Government of Uttar Pradesh**¹.

¹ (2014) 2 SCC 1

7. In the light of the aforestated legal position, the police are obligated to take appropriate necessary action on the report/complaint of the petitioner, which according to the petitioner, alleges commission of cognizable offences. As per the said guidelines, in the event the offences alleged are non-cognizable, the police authorities are bound to follow the due procedure laid down in Section 155 Cr.P.C.

8. In view of the above said facts and discussion, 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.

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

JUSTICE M.SEETHARAMA MURTI

Date: 20.04.2018
AMD

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