

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.12057 OF 2018

ORDER:

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

“to issue a Writ/Order/Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not registering a Crime pursuant to complaint dt.19.02.2018 of the petitioner by investigating into as illegal, arbitrary, without jurisdiction besides violation of Art.14 & 21 of the Constitution of India and consequently direct the respondents to register a Crime pursuant to complaint dt.19.02.2018 of the petitioner and investigate into forthwith.”

2. I have heard the submissions of Sri Srinivasulu Kurra, learned counsel for the petitioner, of the learned Government Pleader for Home (A.P.), appearing for the respondents. I have perused the material record.

3. Learned counsel for the petitioner would submit that the petitioner submitted a representation/complaint, dated 19.02.2018, to the District Collector, Chittoor; that the Special Deputy Collector, Chittoor, endorsed the said complaint to the Superintendent of Police, Chittoor; that the receipt of the said complaint by the Superintendent of Police is not in dispute; that despite the fact that the complaint discloses cognizable offences, no action has been taken and no crime has been registered; and, that therefore, the present writ petition is filed.

4. Learned Government Pleader for Home opposed for granting any order to the petitioner and, while *inter alia* stating that the report is lodged with the Collector and not with a police officer, he

produced a copy of the counter-affidavit of the third respondent, wherein it is stated as follows:

'The petition submitted by the petitioner to the Collector does not contain any date. The same was received, on 28.02.2018, in the office of the Superintendent of Police, Chittoor, from the Collector. It was endorsed to the Sub-Divisional Police Officer, Chittoor. In turn, he endorsed the said petition to the third respondent/deponent. The matter is purely civil in nature. An appeal is pending before a competent civil Court. After conducting an enquiry, a detailed report was submitted, on 05.04.2018, by the third respondent to the Superintendent of Police, Chittoor, duly enclosing the statements of the petitioner and the other record collected during the course of enquiry. Since the issue raised by the petitioner is purely civil in nature, registration of a crime is unwarranted.'

5. In reply, learned counsel for the petitioner would submit that when a complaint discloses a cognizable offence, the police are having a statutory obligation to register a crime and issue an F.I.R., and that the said issue is no longer *res integra* as the legal position in connection with the registration of crimes is succinctly summarized in **Lalita Kumari Vs. Government of Uttar Pradesh**¹.

6. In the light of the aforestated legal position, the police are obliged to take appropriate necessary action on the report/complaint of the petitioner, which according to the petitioner, discloses commission of cognizable offences. As per the

¹ (2014) 2 SCC 1

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.

7. In view of the above said facts, submissions and the legal position obtaining, 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.

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

JUSTICE M. SEETHARAMA MURTI

Date: 24.04.2018
AMD



THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI



WRIT PETITION No.12057 OF 2018

DATE: 24.04.2018

AMD