

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.14764 of 2018

ORDER:

In this writ petition, under Article 226 of the Constitution of India, the only grievance of the petitioner is in respect of non-registration of a crime pursuant to the complaints, dated 23.03.2018 and 02.04.2018, lodged by him with the Station House Officer, Thullur Police Station.

2. Heard learned counsel for the petitioner and learned Government Pleader for Home (A.P.) appearing for respondents 1 to 3. Perused the record.

3. Learned counsel for the petitioner submits that copies of the above said complaints are also furnished to the Superintendent of Police, Guntur Rural, Guntur, the second respondent herein, but no action has been taken so far. He would further submit that if the police officer concerned is directed to register a crime and proceed with the investigation into the said crime, in accordance with the law, the ends of justice would be met.

4. Learned Government Pleader for Home submits that the police officer concerned would take suitable action on the complaints of the petitioner as per the precedential guidelines in the decision of the Supreme Court in ***Lalita Kumari v/s. Government of Uttar Pradesh***¹.

¹ (2014) 2 SCC 1

5. The scope and import of the statutory obligation of the police to register an FIR upon receiving a complaint is no longer *res integra*. In ***Lalita Kumari's case (supra)***, the Supreme Court, speaking through a Constitution Bench, summarized the law in connection with the registration of crimes.

6. In the light of the precedential guidelines in the aforestated decision of the Supreme Court, it is not open to the police authorities to deviate therefrom after receiving a complaint alleging a cognizable offence. 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 of the Code of Criminal Procedure, 1973. In any event, the police authorities must take suitable action in the matter expeditiously.

7. In the result, the writ petition is disposed of directing the respondent police authorities to follow the due procedure established by law and the precedential guidelines in the aforestated decision of the Supreme Court, and take suitable action accordingly. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M. SEETHARAMA MURTI, J

Date: 02.05.2018
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