

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WP No.16940 of 2018

ORDER:

This writ petition is filed to issue a writ of mandamus declaring the action of the respondents in not registering the FIR and not proceeding with the investigation pursuant to the complaint lodged by the petitioner as being illegal, arbitrary, discriminatory, unconstitutional and for issuance of consequential directions to the official respondents to register FIR, to conduct investigation and proceed in a fair and unbiased manner and take action in accordance with law.

2. The case of the petitioner is that on 07-02-2018 he along with others went to Peruru village and there they met some more persons and all of them participated in the political party activities with their leader Chandraseker Reddy till 3.30 pm and thereafter their leader Chandraseker Reddy went to Ananthapur and the petitioner and others returned back to their village and while he was at his house, the 4th respondent along with others came to the house of the petitioner, armed with deadly weapons and took the petitioner forcefully in a jeep to nearby hillocks and abused him saying

why he and others are working with the said Chandraseker Reddy and against their interest. That the 4th respondent beat him with a stick on his shoulder, as a result of which his hand got fractured, thereafter the other persons also beat him with sticks on head, legs, thighs and private parts and tried to kill him, and in that precarious condition, the 4th respondent and others took him to PS Ramagiri and took his signatures forcefully and against his consent on blank papers and thereafter, the petitioner was taken to hospital and got treated for the hand fracture and one Dr. Venkataraman treated him and again brought the petitioner to village and left him warning with dire consequences, if he informs about what has happened to him at their hands to any one. Despite that the petitioner approached the 3rd respondent to lodge a complaint against the 4th respondent and others, but to the surprise of the petitioner, the 3rd respondent already registered a complaint against the said Chandrasekhar Reddy as if the petitioner lodged the complaint against the said Chandrasekhar Reddy and the said Chandrasekhar Reddy kidnapped him and injured him and basing on such complaint, which the petitioner denies to have given, the 3rd

respondent registered a case in Cr.No.3 of 2018 against the said Chandrasekhar Reddy for the offences punishable under Sections 363, 324 and 506 r/w. Section 34 IPC.

3. The petitioner seems to have questioned the 3rd respondent about the registration of case against the said Chandrasekhar Reddy by misusing the blank paper signed by him, which was taken forcefully by the 4th respondent, but the 3rd respondent refused to answer, then the petitioner stated to have approached the 2nd respondent, but to no avail. It is stated that the petitioner narrating all these aspects of the matter, lodged a complaint with the 2nd respondent on 13-02-2018, but till today the 3rd respondent has not registered FIR and taken up investigation, though the matter pertains to kidnap and causing grievous injuries to the petitioner by the 4th respondent and others. Hence, this writ petition.

4. Counter affidavit is filed by the 3rd respondent- Inspector of Police, PS Ramagiri, wherein the 3rd respondent denied the involvement of the 4th respondent and others in the alleged kidnap of the petitioner and causing the petitioner grievous injuries. It is stated that basing on the complaint of the petitioner himself lodged on 07-02-2018, a case in Cr.No.3 of

2018 was registered and investigation is under progress and, therefore, the question of not taking action on the complaint made by the petitioner on 07-02-2018 does not arise. It is also stated that the complaint lodged by the petitioner on 13-02-2018 was only invented for the reasons best known to the petitioner since his complaint lodged on 07-02-2018 was already registered as Cr.No.3 of 2018 and investigation is in progress. It is also the case of the 3rd respondent that the petitioner himself has lodged the complaint on 07-02-2018 and at that time as he was injured, he was referred to the Government Hospital through PC 1609 for treatment, and as such no incident took place much less causing injury by the 4th respondent and others to the petitioner, as alleged by him in the affidavit filed in support of the writ petition.

5. Heard learned counsel for the petitioner and the learned Government Pleader for Home for the respondents.

6. It is incomprehensible as to how the 3rd respondent proceed to investigate the complaint alleged to have been lodged by the petitioner on 07-02-2018 against one Chandrashekar Reddy on the ground that the said Chandrashekar Reddy and others have kidnapped the

petitioner and caused injuries, when it is the specific case of the petitioner that he was in-fact kidnapped by the 4th respondent and others in a jeep to nearby hillocks and caused injuries, including fracture of his hand for working with the said Chandrasekhar Reddy. It is a matter of record that the said Chandrasekhar Reddy filed quash petition to quash the proceedings initiated against him by way of CrI.P.No.1804 of 2018 before this Court, however, this Court dismissed the said criminal petition against which, the said person approached Supreme Court by way of SLP being SLP (CrI.)No.2380 of 2018 and the Supreme Court stayed all further proceedings in Cr.No.3 of 2018 on the file of PS Ramagiri.

7. It is to be seen that the question of filing complaint by the petitioner on 07-02-2018 against the said Chandrasekhar Reddy for alleged kidnapping and attack on him does not arise as the petitioner is stoutly denying that he never gave any complaint against the said Chandrasekhar Reddy muchless he assaulted him. Then the question that remains to be examined is whether the complaint was lodged by some other person impersonating the petitioner by misusing the blank papers, according to the petitioner, forcefully got signed by him by the

4th respondent and others, is a matter for investigation by the Police. The respondent-Police are also duty bound, as ordained by the Supreme Court ***LALITHA KUMARI vs. GOVERNMENT OF UTTAR PRADESH***¹s case to register FIR if on enquiry it discloses a cognizable offence. The petitioner now states that he has lodged a complaint on 13-02-2018 narrating the ill-treatment meted out against him on 07-02-2018 by the 4th respondent and others. It is the specific case of the petitioner that the 4th respondent and others named in the complaint have kidnapped him in a jeep to nearby hillocks and caused injuries, including fracture of his hand for working with the said Chandrasekhar Reddy, and such acts on the part of the 4th respondent and others, *prima facie*, being serious in nature and also being cognizable offence, the complaint dated 13-02-2018 lodged by the petitioner requires to be investigated into and there is no justification on the part of the 3rd respondent in not investigating the matter and proceed in accordance with law.

8. In the circumstances the writ petition is disposed of directing the 3rd respondent to take action on the complaint of the petitioner dated 13-02-2018 in the light of the guidelines

¹ 2014 (2) SCC 1

of the Supreme Court detailed in **LALITHA KUMARI vs. GOVERNMENT OF UTTAR PRADESH's** case cited supra.

Miscellaneous petitions if any pending shall stand disposed of.

There shall be no order as to costs.

A.RAJASHEKER REDDY, J

Dated: 05-08-2018
NRG



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