

HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.25959 of 2017

ORDER.

This Writ Petition is filed to declare the inaction of respondent No.3 in registering the petitioner's complaint, dated 14.7.2017, against respondent No.4 as FIR, as illegal and arbitrary.

The brief facts of the case, according to the petitioner, are that he is carrying out real estate and construction business at Hyderabad and in that connection, respondent No.4 approached him and expressed his desire to work as Commission agent; that respondent No.4, taking advantage of being allowed to participate in the business dealings, had stolen a cheque bearing No.450049 drawn on Corporation Bank, SP Road, Secunderabad, in the year 2008 from his office situated at Hyderabad on the pretext that respondent No.4 has to show it to the prospective sellers and would return the same; that he was unaware of the fact that it was stolen till he received the case documents in C.C.No.420 of 2016 on the file of the IV Additional Junior Civil Judge, Guntur, which was filed by respondent No.4; and that on verification of the said documents, he found that the said cheque was used for payment of advances

to land owners and development contracts. The petitioner approached respondent No.2 and made a complaint on 14.7.2017, but the same is not registered till now.

At the hearing, learned counsel for the petitioner and learned Government Pleader for Home (Andhra Pradesh) agreed for disposal of the Writ Petition at the admission stage.

Learned Government Pleader placed before this Court a copy of the written instructions, wherein it was *inter alia* stated that the complaint of the petitioner was received through post on 15.7.2017 and a General Diary entry was made on the same day, vide Serial No.30 and that as the petitioner sent a Xerox copy of the complaint, the Police tried to contact him for the purpose of taking original complaint, but he did not respond.

Learned counsel for the petitioner submitted that the petitioner would file a fresh complaint before respondent No.3 and that respondent No.3 may be directed to follow the procedure laid down by the Hon'ble Supreme Court in ***Lalith Kumari Vs. State of Uttar Pradesh***¹

In view of the above facts and circumstances, the Writ Petition is disposed of giving liberty to the petitioner to file a

¹ (2014) 2 SCC 1

fresh complaint and on receipt of the same, respondent No.3 is directed to follow the procedure laid down by the Hon'ble Supreme Court in *Lalith Kumari* (supra).

As a sequel, the Miscellaneous Petitions, if any, pending shall stand dismissed.

JUSTICE KONGARA VIJAYA LAKSHMI

04th January 2018

DR

