

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.19597 OF 2018

ORDER:

This writ petition is filed challenging the action of the respondent police in not registering a crime against the unofficial respondents on the complaint of the petitioner dated 23.06.2018.

Heard learned counsel for the petitioner.

Learned Assistant Government Pleader for Home produced written instructions stating that the 5th respondent received complaint of the petitioner dated 23.05.2018 through proper channel wherein the petitioner stated that his daughter-in-law subjecting him to unnecessary torture by filing false cases and he is having threat in the hands of his daughter-in-law. It is also stated that the petitioner did not mention the date and time of occurrence; that however, the 5th respondent had enquired the matter and revealed that on the complaint of petitioner's daughter-in-law a case in Crime No.53/2016 was registered for the offences under Section 498 A IPC against the petitioner and others; that she also filed DVC case before the Hon'ble III Metropolitan Magistrate, Hyderabad; that prima facie the said case was not established against the culprits and hence the 5th respondent suggested the petitioner to approach the concerned court for redressal; that in this regard GD entry was also made. It is further

stated that whenever the petitioner approaches the 5th respondent police station, necessary protection will be given as per law. Learned Assistant Government Pleader for Home also produced notice dated 19.06.2018 wherein it was stated that in the complaint, the petitioner has not mentioned the date, time and place of the offence, wherein the respondents harassing the petitioner to establish the prima facie as well as to take it cognizance and thereby the petitioner was requested to appear in P.S.Mangalhat for the purpose of enquiring the complaint made by the petitioner and also for taking further action.

This Court in similar Writ Petition No.1737 of 2016, dated 22.01.2016, by re-iterating the settled legal position with regard to registration of crimes laid down by the Supreme Court in ***Lalita Kumari v. Government of Uttar Pradesh (2014) 2 SCC 1*** held as follows;

“In the light of the aforesaid settled legal position, it is not open to the police authorities to deviate therefrom or show any tardiness in taking appropriate necessary action after receiving a complaint alleging a cognizable criminal 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 Cr.P.C. In any event, the police authorities must take suitable action in the matter expeditiously.”

In view of the above, this writ petition is disposed of re-iterating the directions of the Supreme Court in ***Lalita Kumari's*** case. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

20.06.2018
t k.

