

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION NO.20163 OF 2018

ORDER:

This writ petition is filed under Article 225 of the Constitution of India, to quash the proceeding in Crime No.273 of 2018 on the file of Dundigal Police Station, Cyberabad, registered for the offences punishable under Sections 3(1)(r)(s), 3(1)(f) of SC/ST POA Act, on the ground that, lodging a report with police is an abuse of process of law.

While registration of a crime against a Government Official, the Registering Authority has to follow certain procedure prescribed in **Dr. Subhash Kashinath Mahajan v. The State Of Maharashtra**¹. As seen from the record, the Investigating Agency did not follow the procedure prescribed in the case referred supra. Therefore, disobedience of the guidelines by the police is a matter of serious concern, as the judgment of the Supreme Court is binding on the Court and though review is pending before the Apex Court. Hence, the police are bound to follow the guidelines prescribed in the above judgment.

Learned counsel for the petitioners contended that the petitioner lodged several complaints/respondents, but, without registering any crime and they are lying in the office, thereby, violated the guidelines issued by the Apex Court in **“Lalita Kumari v. Government of Uttar Pradesh”**² wherein, it was held that, when a report was lodged with the police, the police are

¹ CrI.A NO.416 OF 2018 dated 20.03.2018

² (2014) 2 SCC 1

bound to register the crime and bound to proceed further if the allegations made in the report disclosed commission of cognizable offence.

In view of the guidelines prescribed in ***Lalita Kumari v. Government of Uttar Pradesh*** (referred supra), when a complaint is lodged under Section 151 Cr.P.C, it is the power of the police to register crime and investigate or otherwise file final report appropriately before the Court concerned. But, keeping the matter pending for years together is a matter of serious concern. Therefore, the respondents 1 to 6 are directed to follow the procedure prescribed in the above judgment.

In the result, the writ petition is disposed of at the admission stage.

Consequently, miscellaneous petitions pending, if any, shall also stand closed. No costs.

JUSTICE M. SATYANARAYANA MURTHY

Date:18.06.2018

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