

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.32955 of 2018

ORDER:

In this writ petition filed by the petitioner, under Article 226 of the Constitution of India, the only request of the petitioner is to direct the 2nd respondent to act on the complaint, dated 29.08.2018, of the petitioner lodged with the 2nd respondent and register a crime by following the procedure established by law.

2. I have heard the submissions of the learned counsel appearing for the petitioner and of the learned Government Pleader for Home (TS) appearing for the respondents 1 & 2. I have perused the material record.

3. At the hearing, learned counsel appearing for the petitioner would submit that if a direction is given to the 2nd respondent to do the needful in the matter by following the procedure established by law, the grievance of the petitioner stands redressed.

4. Learned Government Pleader for Home, while drawing the attention of this Court to the copy of the complaint, dated 29.08.2018, and the timings therein and also the time in the postal receipt, would contend that it *prima facie* shows that the incident alleged in the complaint is false. He would further submit that it is not possible, in the facts and circumstances stated in the report/complaint, to consider the request of the petitioner for initiating action under the provisions of the Preventive Detention Act, on the complaint of the petitioner.

5. In the light of the settled legal position in the decision in **Lalita Kumari v. Government of Uttar Pradesh**¹, it is not open to the police authorities to deviate therefrom or show any laxity in taking appropriate necessary action

¹ (2014) 2 SCC 1

after receiving a report 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 CrPC. In any event, the police authorities must take suitable action in the matter expeditiously.

6. In that view of the matter, the Writ Petition is accordingly disposed of reiterating the precedential guidance in the afore-stated decision of the Supreme Court and directing the 2nd respondent to take appropriate necessary action on the complaint, dated 29.08.2018, of the petitioner by following the precedential guidance in the afore-stated decision of the Supreme Court and in strict accordance with the procedure established by law, within a period of two weeks from the date of receipt of a copy of this order; and, communicate the decision taken thereon to the petitioner within a week thereafter.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

14th September, 2018
RAR

M. SEETHARAMA MURTI, J