

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No.13417 of 2016

ORDER :

This writ petition is filed by the petitioner seeking *Writ of Mandamus* to declare inaction of respondent Nos.1 to 3 in registering the criminal case against respondent No.4 lodged by the petitioner as illegal and direct respondent No.1 to register a criminal case against respondent No.4 on the basis of the complaint dated 08.04.2016 lodged by the petitioner and investigate into the said crime in accordance with law.

It is the case of the petitioner that on 08.04.2016 when the petitioner was present in her flat, respondent No.4 trespassed into her flat, abused her in filthy language and pulled her by catching-hold of her hand with the intention to outrage her modesty and further threatened that he would kill the petitioner, her husband and her daughter. It is stated that at that time, respondent No.4 was in a drunken condition and he stated that he is politically influential person and he would eliminate the entire family of the petitioner. It is further stated that earlier also, respondent No.4, being Cultural Secretary of the Association, abused and threatened the petitioner and her husband and insulted them on several occasions. Respondent No.4 also threatened them that he would get them evicted from the building. Therefore, petitioner has filed a complaint with respondent No.1 – SHO,

Saroornagar Police Station, narrating the incident, but respondent No.1 did not register any crime against respondent No.4. The petitioner states that having waited for three days with a fond hope that respondent No.1 would register a criminal case against respondent No.4, she sent a copy of the complaint to respondent No.2 – Deputy Commissioner of Police through gmail on 12.04.2016 informing him about non-registration of crime against respondent No.4 by respondent No.1, however, respondent No.2 also did not take any action directing respondent No.1 to register the complaint against respondent No.4. Hence, the present writ petition.

Heard learned counsel for the petitioner as well as the learned Assistant Government Pleader for Home and perused the material on record.

Learned counsel for the petitioner submits that though the petitioner has lodged a complaint on 08.04.2016 against respondent No.4, the said complaint was not registered by the respondent police and no action has been taken against respondent No.4.

Learned Assistant Government Pleader for Home submits that if really the police received the complaint, they would have registered the same. The petitioner has also not filed any acknowledgement to show that the police received the complaint on 08.04.2016.

Learned counsel for the petitioner submits that the police have not provided any acknowledgement for receipt of complaint on 08.04.2016 and the mail copy forwarded to the police has been filed to show that a mail has been generated on 12.04.2016 at 12.28 p.m. to the police concerned.

At the outset, the complaint of the petitioner is that though she lodged complaints to the police against respondent No.4 on two occasions, narrating about outraging her modesty, the police have not registered any crime against respondent No.4. It is also pertinent to note that respondent police have neither filed any counter nor any written instructions.

Having regard to the facts and circumstances of the case, the police concerned are directed to consider registration of the complaint lodged by the petitioner on 08.04.2016 and forwarded through mail on 12.04.2016 and investigate into the crime in accordance with law.

With the above observations, this writ petition is disposed of. No order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

GUDISEVA SHYAM PRASAD, J

24.04.2018.
Msr

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