

HON' BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No. 2102 of 2016

ORDER:

This writ petition is filed seeking writ of mandamus for a direction to the respondents to register the complaint filed by the petitioner on 02.11.2015 alleging that there is a threat to his life from Rambabu gang of 12 persons.

2. Heard the learned counsel for the petitioner, and learned AGP (Home).

3. Learned counsel for the petitioner submits that the petitioner has lodged a complaint before the police on 02.11.2015 alleging that there is threat to his from Rambabu gang of 12 members but the police have not registered the crime.

4. Except filing a copy of the complaint alleged to have been lodged before the police on 02.11.2015, and the affidavit of the petitioner, no other documents are filed before this Court to show that the complaint was received by the police and the police gave an acknowledgment to that effect. The petitioner ought to have followed the procedure under Section 154 C.P.C., while lodging a complaint. When the police did not receive the complaint, he should have informed the same to the Superintendent of Police and take appropriate action under Section 154 Cr.P.C. In the event of

failure of police registering the complaint, the petitioner has also got a remedy under Section 200 Cr.P.C. to file a private complaint before the learned Magistrate concerned. The petitioner has not resorted to follow the procedure under Section 154 Cr.P.C. or Section 200 Cr.P.C.

5. Learned counsel for the petitioner has now, across the bar, sought to produce certain documents to show that he forwarded the complaint to the DIG of Police, Nizamabad, and Circle Inspector of Police, Nizamabad, along with the acknowledgments thereof. The documents submitted across the bar cannot be received by this Court, but however, a look into the documents do not suggest that the complaint was received and acknowledged by the concerned police authorities.

6. Learned AGP (Home) submits that the petitioner has not mentioned anything about sending complaint to the authorities under registered post or certificate of posting and, therefore, the documents sought to be produced cannot be considered as proof of service of notice to the respondents. It is further submitted that the concerned authorities have not received any complaint from the petitioner and, therefore, no complaint has been registered.

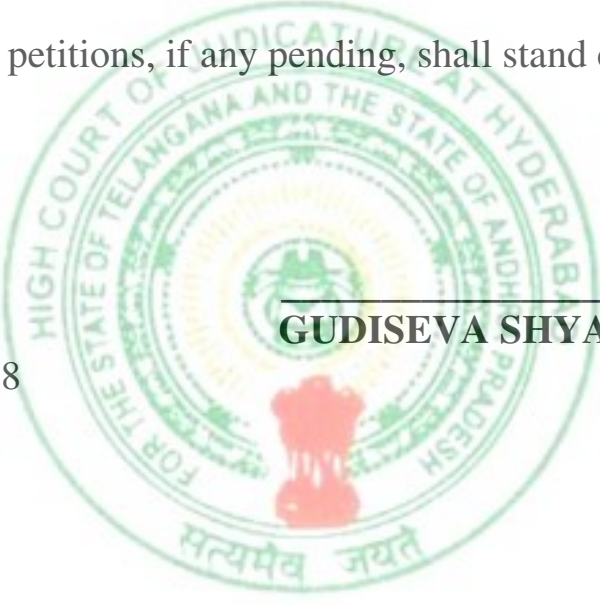
7. Having regard to the facts of this case, as no complaint much less the complaint dated 02.11.2015 has been received by the

police, they did not register FIR. If the petitioner has grievance, he may lodge a complaint before the police under acknowledgement and receipt. In such an event, the police concerned are directed to acknowledge the receipt of complaint whenever they receive the complaint of the petitioner, and register the case by following the procedure established by law under Section 154 Cr.P.C., and other provisions of the Code.

8. The writ petition is, accordingly, disposed of. No costs. Miscellaneous petitions, if any pending, shall stand closed.

19th April, 2018

ksm



GUDISEVA SHYAM PRASAD, J

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