

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.8059 OF 2019

Date: 17.04.2019

Between:

Manchukonda Ashok s/o. M.Mallaiah,
Occu: Agriculture, Aged about 46 years,
r/o. 19-446, Reddy Colony, Miryalaguda,
Nalgonda district and another.

.....Petitioners

and

The State of Telangana, rep.by its
Prl.Secretary, Home Department,
Secretariat, Hyderabad and others.

.....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.8059 OF 2019

ORDER:

Petitioners claim to be the owner and in possession of land to an extent of Ac.4.00 in Sy.No.318 of Peroor village, Anumula Mandal, Nalgonda District. Alleging that unofficial respondents are interfering with the possession and enjoyment of petitioners over the property, 1st petitioner instituted O.S.No.32 of 2017 pending in the Court of VIII Additional District Judge at Miryalguda, and learned Judge granted injunction in I.A.No.326 of 2017 in the above suit. While so, on 05.04.2019, 1st petitioner lodged complaint with the 3rd respondent- Station House Officer alleging that 5th respondent and two others created forged receipts and documents on 20.03.2016 and filed civil suit in the Court of Senior Civil Judge at Miryalguda and requested to take legal action. The said complaint was registered as Crime No.139 of 2017 under Sections 468, 471, and 420 IPC. Petitioners further allege that on 19.07.2015, father of 5th respondent trespassed into their land, wrongfully restrained the 1st petitioner and threatened with dire consequences. However, Police filed final report on 19.02.2019 in the Court of First Class Magistrate at Nidamanoor, treating the complaint as civil in nature. While so, petitioners now allege that on the complaint filed by the 5th respondent, Crime No.43 of 2019 was registered on 09.02.2019.

2. Petitioners allege that the Station House Officer illegally closed the complaint filed by the 1st petitioner as civil in nature and encouraged the unofficial respondents to register the crime. 1st petitioner, therefore, filed complaint before the Superintendent of Police, Nalgonda district alleging that illegally crimes reported by 1st petitioner were closed and illegally another crime is registered against

the 1st petitioner and prays the Superintendent of Police to close the crime registered against him. Petitioners also pray to investigate into the complaint filed by 1st petitioner.

3. As briefly noted above, Police have investigated into the crime reported by the 1st petitioner and final report is filed in the Court of Judicial Magistrate of First Class at Nidamanoor. It is always open to petitioners to file objections on the final report of Police treating the complaint filed by the 1st petitioner as civil in nature. Merely because the complaint filed by the 1st petitioner is closed treating the same as civil in nature, it cannot be said that no other crime can be registered. It is needless to observe that once crime is reported, it is bounden duty of the Police to take the complaint and register the crime if cognizable offence is made and investigate into the crime. If petitioners have grievance against registration of crime against them, they have to avail remedy elsewhere. Merely because crime is reported and the same is registered, petitioners cannot allege involvement of Police in civil disputes. Therefore, Court is not inclined to entertain the Writ Petition and is accordingly dismissed, leaving it open to petitioners to work out their remedies as available in law against registration of crime against them, and final report filed by the Police on the crimes reported by the petitioners as the case may be. It is made clear that there is no expression of opinion on merits and all issues are left open to be agitated before appropriate forum. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

Date: 17.04.2019
kkm

HON'BLE SRI JUSTICE P.NAVEEN RAO



WRIT PETITION NO.8059 OF 2019

Date: 17.04.2019

kkm