

THE HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.30680 of 2014

ORDER:

Heard learned counsel for the petitioner as well as learned Government Pleader appearing for the respondents 1 to 5.

2. The prayer sought in the writ petition is as under:-

“...to issue an appropriate writ, order or direction more particularly one in the nature of writ of MANDAMUS declaring the action of the 5th respondent in not registering the FIR Under Section 154 of Criminal Procedure Code and investigating on petitioner's report dated 25.4.2014 against respondents 6 to 15 as being Illegal, Arbitrary, Capricious Malafide, Unjust, not only Violative of Article 14 and 21 of Constitution of India but also violative Principles of Natural Justice, not only contrary to Section 154 of Civil Procedure Code but also contrary to the Judgments rendered by the Honourable Supreme Court of India and the Honourable High Court of A.P. consequently direct the 5th respondent to Register FIR U/s.154 of Cr.P.C. against the respondent 6 to 15 and investigate the same and pass such other order or orders as this Hon'ble Court may deems think fit and proper in the circumstances of the case.”

3. Learned Government Pleader placed on record the written instructions, dated 30.12.2019, issued by the Inspector of Police, Kanchanbagh Police Station, Hyderabad.

4. From a perusal of the said written instructions, it is revealed that the 6th respondent herein lodged a complaint with the 5th respondent Police Station. Pursuant to the said complaint, a case in Crime No.103 of 2014 for the offences under Sections 384, 324 and 506 read with 34 IPC and Section 188 IPC, dated 25.04.2014, was registered by the then Sub-Inspector of Police-Mohd.Ejajoddin against the petitioner herein, Abdul Jabbar i.e., the brother of the petitioner, and one Nadeem, as they extorted money from the innocent people in

the name of 'chanda' and they beat the complainant/6th respondent and his cousin, by name Mohd. Ghouse @ Khaled i.e., the 7th respondent herein, caused injuries and also threatened them with dire consequences. After completion of full-fledged investigation, the then Investigating Officer filed charge sheet before the learned VII Additional Chief Metropolitan Magistrate, Hyderabad, and the same was taken on file vide C.C.No.1190 of 2014, which is pending trial. It is also further mentioned in the instructions that the petitioner also sent a complaint, dated 25.04.2014, through registered post to the then Station House Officer of Kanchanbagh Police Station requesting to initiate action against the persons named in the said complaint. However, on enquiry, it is revealed that a case in Crime No.103 of 2014 was already registered against the petitioner/A.1 and others, hence, no action has been taken on the complaint sent by the petitioner through post. Further enquiry revealed that except sending the subject complaint through post, the petitioner did not approach the then Station House Officer of Kanchanbagh Police Station with supporting evidence. To escape from the criminal *overt acts* in the commission of the offences in Crime No.103 of 2014, the petitioner has sent the complaint, dated 25.04.2014. In fact, to settle his personal scores with the 6th respondent, the petitioner filed the present writ petition. In fact, the petitioner herein is an active rowdy sheeter of Kanchanbagh Police Station and as on the date of the issuance of written instructions, the petitioner was involved in 15 criminal cases.

5. In view of the above said facts, this Court is of the opinion that there are no merits in the writ petition and the same is liable to be dismissed.

6. Accordingly, the writ petition is dismissed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand dismissed.

P. KESHA VA RAO, J

30th December 2019

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