

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.8605 OF 2019

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking to declare the action of respondent No.3 in not registering F.I.R. against respondent Nos.5 and 6, as illegal and arbitrary and consequently, to direct respondent No.3 to register an F.I.R. on the complaint, dated 15.04.2019, of the petitioner.

2. Heard learned counsel for the petitioner and the learned Assistant Government Pleader for Home, appearing for respondent Nos.1 to 3, and perused the record.

3. Learned counsel for the petitioner would contend that there are serious allegations of commission of criminal intimidation, trespass, coercion etc., against respondent Nos.5 and 6 in the report, dated 15.04.2019, of the petitioner and in spite of the same, respondent No.3/Station House Officer, Amberpet Police Station, is not registering F.I.R. against respondent Nos.5 and 6, in terms of Section 154 Cr.P.C.

4. As per the material placed on record, the petitioner has filed a Suit in O.S.No.1154 of 1992 for partition and the said Suit ended by determining the shares, however, final decree proceedings are not completed. Father of respondent Nos.5 and 6 is one of the defendants in the said Suit. When a Suit is filed for partition, certainly, all the parties will have right over the

disputed property. Further, it is contended by the learned counsel for petitioner that without conducting investigation, the Station House Officer, Amberpet Police Station, disposed of the complaint/petition of the petitioner as 'civil in nature'. As per the record, there are strained relations between the petitioner and respondent Nos.5 and 6. When a cognizable offence is committed and F.I.R. is not issued in terms of Section 154 Cr.P.C., the aggrieved person can either make a complaint to the Superintendent of Police concerned or file a complaint under Section 200 Cr.P.C. to prosecute the offenders. In view of the nature of the allegations, the petitioner is at liberty to workout the remedies available to him under the Code of Criminal Procedure. Under these circumstances, it is not appropriate to direct respondent No.3 to register F.I.R. on the report, dated 15.04.2019, of the petitioner, as contended.

5. With the above observations, the Writ Petition is disposed of at the stage of admission.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

April 23, 2019.
MD

Dr. SHAMEEM AKTHER, J