

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.9043 OF 2019

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking to declare the action of respondent No.4 in issuing notice, dated 20.01.2019, stating that no crime took place, as alleged, as illegal and arbitrary and consequently, to direct respondent Nos.2 to 4 to take appropriate action against respondent Nos.5 and 6.

2. Heard learned counsel for the petitioner and the learned Assistant Government Pleader for Home, appearing for respondent Nos.1 to 4, and perused the record.

3. Learned counsel for the petitioner would contend that the petitioner has lodged a report, dated 05.01.2019, before respondent No.4/Station House Officer, CCC Naspur Police Station, alleging commission of cognizable offences by respondent Nos.5 and 6. However, respondent No.4 has not taken any action on the said report and erroneously issued the impugned notice, dated 20.01.2019. Hence, the present Writ Petition is filed seeking to direct the police concerned to register a criminal case against respondent Nos.5 and 6 and proceed with investigation, basing on the report, dated 05.01.2019, of the petitioner.

4. There is no much dispute with regard to the petitioner lodging a report, dated 05.01.2019, and respondent

No.4/Station House Officer, CCC Naspur Police Station, Mancherial District, issuing the impugned notice, dated 20.01.2019. In the impugned notice, it is concluded by respondent No.4 that there is a land dispute in between the petitioner and respondent Nos.5 and 6 and it is civil in nature. In such an event, the appropriate remedy available to the petitioner is before a civil Court. Further, if any offence is committed by respondent Nos.5 and 6 under the provisions of the Indian Penal Code, 1980, a remedy is available to the petitioner to file a complaint under Section 200 Cr.P.C. and proceed with. When there is an efficacious remedy available under the Code of Criminal Procedure before a competent criminal Court, it is not appropriate to grant any relief in this Writ Petition, as prayed for.

5. Under these circumstances, leaving it open to the petitioner to proceed under Section 200 Cr.P.C., 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.

Dr. SHAMEEM AKTHER, J

April 25, 2019.
MD