

THE HONOURABLE SRI JUSTICE P. KESHA VA RAO

WRIT PETITION No.31961 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 any appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the 4th and 5th Respondents in registering the complaint dated 9.7.2014, having acknowledged the same by the 5th respondent and having conducted preliminary investigation and panchanama, or in the alternative including the crime mentioned in the said complaint in FIR No.637 dt.7.7. 2014 on the file of the Alwal PS, as being illegal, arbitrary, contrary to the guidelines issued by the Hon’ble Supreme Court in the judgment reported in 2014(1) ALT (Crl) 100 (SC) and also in violation of the provisions of the code of Criminal Procedure and also Art.14 of the Constitution of India besides being in violation of the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and rules made thereunder and pass such other order or orders may deem 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 Sub-Inspector of Police, Alwal Police Station, Cyberabad Commissionerate.

4. From a perusal of the said written instructions, it is revealed that originally the petitioner lodged a complaint, dated 07.07.2014, with the 5th respondent. Pursuant to the said complaint, a case in Crime No.637 of 2014, dated 07.07.2014, was registered on the file of the Alwal Police Station. During the course of investigation, the petitioner once again approached the 5th respondent and lodged another complaint on 09.07.2014 stating that he failed to mention the ingredients of Atrocity Act in the earlier complaint and requested to

take necessary action. Since the case was already registered on the complaint of the petitioner, the second complaint was entered in the General Diary of the Station and investigation was done. After completion of investigation, the case was referred as 'lack of evidence' on 30.12.2014 and a final report was also filed before the learned XXI Metropolitan Magistrate, Medchal.

5. In that view of the matter, this Court is of the opinion that no further cause would survive in the writ petition, since the remedy available to the petitioner is by way of a protest application before the very same Court. Therefore, the writ petition 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. KESHAVA RAO, J

31st December 2019
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