

HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION NO.21960 OF 2019

ORDER:

This Writ Petition is filed to declare the action of respondent Nos.3 and 4 in not taking any action against respondent Nos.6 and 7 and not issuing F.I.R. basing on the complaint lodged by the petitioner on 12.03.2019 before the 5th respondent as being illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India and also violative of principles of natural justice.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

It is the case of the petitioner that on 12.03.2019, while the petitioner was at his home, three persons by name Shaik Miyan Jani and Shaik Raheem and Shaik Imambee entered the house illegally and quarreled with the petitioner and also abused and threatened them with dire-consequences. It is stated that upon the occurrence of the said incident, the petitioner approached the respondent Nos.5 police station and sought to give complaint which was not received and acted upon by the 6th and 7th respondents who were incharge and subordinate in the 5th respondent police station. Being aggrieved by such inaction on the part of the respondents, the petitioner had made a complaint dated 16.04.2019 addressed

to the 3rd respondent herein against respondent Nos.6 and 7. As no action is taken against respondent Nos.6 and 7 who are named as respondents by name, the present Writ Petition is filed.

On the other hand, learned Assistant Government Pleader for Home, on written instructions dated 30.09.2019, submits that the allegations made in the Writ Petition with regard to the alleged incident occurred on 12.03.2019 not being taken note of by the respondent Nos.6 and 7 who were working as S.I. and A.S.I. of the 5th respondent police station at the relevant point, is false. It is further submitted that on receipt of the complaint, a G.D. entry was made and as the contents revealed that the offence complained is of non-cognizable in nature, the 5th respondent authority addressed a letter to the Judicial Magistrate of Ist Class, Nidamanoor on the same day to accord permission to investigate into the case. By the said written instruction, the learned Assistant Government Pleader for Home would further submit that after obtaining permission from the Court, a Petty Case was registered and charge sheet was filed in the said case on 06.09.2019. A copy of the written instructions is placed on record of this Court.

Having regard to the said submission made, the cause being complained in the writ petition as can be seen, is the inaction on the part of the 6th and 7th respondent authority in

taking the complaint dated 12.03.2019 made by the petitioner. Thus, the petitioner has made a complaint against respondent Nos.6 and 7 to the respondent No.3, seeking appropriate action. However, having regard to the submission made on behalf of the respondents and the fact that the 5th respondent authority had taken the complaint of petitioner with regard to the incident of 12.03.2019, made a G.D. entry and sought for permission from the concerned court on the same day would indicate that the averments made in the Writ Petition against respondent Nos.6 and 7 are incorrect and contrary to record. Further, it is also to be noted that based on such complaint, which is taken on record, a case has been registered wherein a charge sheet is also filed before the concerned court on 06.09.2019.

In view of the above, the claim in the present Writ Petition that the respondent Nos.6 and 7 have acted in dereliction of duty warranting action to be taken against them for which the petitioner claims to have made a representation to the 3rd respondent on 16.04.2019, does not warrant further consideration.

Accordingly, the Writ Petition is closed. No order as to costs.

As a sequel, the miscellaneous petitions pending, if any, shall also stand closed.

T. VINOD KUMAR, J

Date: 06.12.2019.

MRKR

