

HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION NO.22036 OF 2019

ORDER:

The present Writ Petition is filed by the petitioner to declare the action of the respondent police, particularly 5th respondent, in not registering the FIR basing on the complaint of the petitioner dated 27.09.2019, as being illegal and also in violation of the judgment of the Supreme Court in **Lalitha Kumari v. Government of U.P.**¹ and consequently direct the respondents police to entertain the complaint and register the FIR against the culprit.

The case of the petitioner is that on the early hours of 27.10.2019, some people had called him on his mobile phone and asked him to open the gate of his house immediately. On opening the gate, about ten persons entered into the house with weapons, attacked and beat him mercilessly and they were trying to kill him. The petitioner could manage to escape from them and went out due to fear and as there were nobody outside thus called Dial 100 and ran to the nearby house of one K. Ramesh, who is ex. Secretary of the colony. Upon the petitioner running away to the nearby house, people who came to his house, went away in car and all of them escaped before the arrival of police. By the time the police personnel from the 5th respondent authority came to the spot, all the named people in the complaint escaped. Immediately

¹ (2014) 2 SCC 1

thereafter the petitioner went to the 5th respondent police and made a complaint narrating all the facts and requested to take action against them, but the 5th respondent without receiving the complaint and without registering the crime, abused the petitioner. Thus, he seeks indulgence of this Court in directing the authorities to register the complaint and take necessary action against the people named in the complaint.

Heard Sri M. Ajay Kumar, Learned Counsel for the petitioner and the Learned Assistant Government Pleader for Home.

Learned Assistant Government Pleader for Home, on instructions dated 23.10.2019, would submit that on the early hours of 27.09.2019, upon receiving a Dial 100 call from the petitioner, police personnel went to the spot wherein the brother-in-law of the petitioner was present and on enquiry it disclosed that the police personnel from Gurajala police station came to his house for causing enquiry in Crime No.373 of 2019. The police personnel also enquired with the neighbours regarding any argument taking place thereat, but none of them stated anything having taken place as claimed by the petitioner. As such, the Dial 100 call was closed.

The learned Assistant Government Pleader would further submit that on the same day, the petitioner approached the 5th respondent and complained about the

said issue in writing, on that a G.D entry was made and during enquiry, it disclosed that a case was registered against the petitioner in Crime No.373 of 2019 under Section 107 Cr.P.C. of Gurajala police station, Guntur District, Andhra Pradesh. Further, it was disclosed that the police personnel of Gurajala Police Station came to the house of the petitioner for the purpose of enquiry and apprehending that the police officials from Gurajala police who have come to the petitioner's house in connection with the investigation into Crime No.373 of 2019, may resort to arrest of the petitioner, the petitioner fled away in order to prevent the police authorities of Gurajala police station from enquiring into the matter, and made a 100 Dial call. Further, he submits that when the police officials of the 5th respondent attended to the 100 Dial call by visiting the place of the petitioner, it disclosed that no incident took place, upon which the said call was closed. It is further stated that informing the same, a notice was also sent to the petitioner on 21.10.2019. The present Writ Petition is filed by the petitioner to prevent the police authorities from investigating into the crime registered against the petitioner.

In so far as the visit of the Gurajala police to the petitioner's house in connection with the Crime No.373 of 2019 is concerned, Learned Assistant Government Pleader for Home on being directed on 24.10.2019, produced copy of the G.D register whereby the Gurajala police authorities came to

Medipally police station and submitted a copy of the FIR No.373 of 2019 and whereupon a G.D. entry was made on 27.09.2019. Learned Assistant Government Pleader for Home submits that the petitioner on learning about the police authorities of Gurajala police station having come to enquire in connection with the crime registered against the petitioner and to prevent such enquiry has made a false complaint.

He further submits that this Court may also to take note of the fact another case is registered against the petitioner in Crime No.163 of 2019 in Medipally police station by the 5th respondent police on 18.03.2019 wherein a charge sheet has been filed.

In reply to the said submissions, the learned counsel for the petitioner seeks to submit that while the incident complained by him is stated to have taken place in the early hours on 27.09.2019, G.D. entry was recorded at 0930 hours, few hours after the occurrence of the incident.

This Court is not in a position to appreciate the said submission made on behalf of the Counsel for the petitioner. Having gone through the contents recorded in the General Diary, it appears that the petitioner as well as the police authority of Gurajala have appeared before the authority at same time while the petitioner made a complaint, the police personnel of Gurajala police station produced before the 5th respondent, the copy of FIR along with their duty pass port identifying themselves with their I.D cards explained the

purpose of their visit to the petitioner's house in connection with the case registered against the petitioner.

On going through the contents of the G.D. register and the submissions made, this Court is of the view that the endeavour of the petitioner in filing the complaint before the 5th respondent and also in filing the present Writ Petition is to prevent action being taken in connection with the Crime No.373 of 2019 registered against the petitioner.

In view of the above, having regard to the facts and circumstances, the petitioner is not entitled for any relief as sought for in the Writ Petition.

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

The miscellaneous petitions pending, if any, shall also stand dismissed.

T. VINOD KUMAR, J

Date:15.11.2019.

MRKR