

THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION NO.30528 OF 2015

ORDER:

There is no representation on behalf of the petitioner.

The prayer sought in the writ petition is as under:

“.....Writ of MANDAMUS declaring the action of the Respondent No.4 in Scribing in 8 Column of FIR No.320/2015 pertaining to details of delay in FIR as “Delay by the Complainant”, in fact the Complaint was made with the Respondent No.4 on 26.03.2015 on which day the G.D.Entry was also made but the Respondent No.4 Registered FIR. On 02.05.2015 as per his convenience to Shield the skin of the Respondent No.5 to 8 which is illegal, arbitrary and violative of principles of Natural Justice and Consequently direct the Respondent No.4 to correct the date of Registration of FIR as on the date of Complaint made by the Petitioner on 26.03.2015 by correct the Column No.8 of FIR No.320/2015 of Respondent No.4 police Station, and pass such other order or orders.....”

The basic grievance of the petitioner is, entering in Column No.8 of FIR pertaining to details of delay as “Delay by the Complainant”. In fact the, the complaint was made with the respondent No.4 on 26.03.2015, on which day the G.D. Entry was also made. However, respondent No.4 registered the FIR on 02.05.2015. Therefore, the petitioner contends that there was no delay on her part in lodging the complaint.

The 3rd respondent filed counter affidavit stating that basing on the petitioner's complaint, the Jubilee Hills Police made an entry in the General Diary of the Police Station vide Page No.212, Para No.18. Since the petitioner has not produced any evidence regarding the alleged incident stated to have been

taken place on 26.03.2015, the Jubilee Hills Police conducted preliminary enquiry and subsequently registered a case in Crime No.320/2015 under Section 342, 506 r/w 34 IPC, dated 02.05.2015. Though the FIR was registered on 02.05.2015 after conducting preliminary investigation, the reasons for delay in registering the FIR was wrongly mentioned as "Delay by the Complainant". It is submitted that the said typographical mistake is neither wilful nor wanton, but due to inadvertence, went unnoticed. It is also submitted that there is no delay in filing report by the petitioner.

It is also stated that the Jubilee Hills Police conducted preliminary enquiry pursuant to the report given by the petitioner and subsequently registered the FIR at a later date, there appears to be a gap between the date of report and date of FIR, which cannot be termed as delay in registering the FIR. It is submitted that there is no illegality or irregularity taken place in registering the FIR.

It is further stated in the counter affidavit that the Jubilee Hills Police after conducting investigation in Crime, filed Charge Sheet under Section 173 Cr.P,C before the XVII Additional Chief Metropolitan Magistrate, Hyderabad vide C.C.No.64/2016 to punish the accused under Section 342, 506 r/w 34 IPC and mere wrong mentioning of the reasons for the delay in registering the FIR would not jeopardise the interest of the petitioner.

It is further stated that since the reasons for delay in registering the FIR are already mentioned in the Charge Sheet

and the same is pending trial, nothing survives for adjudication in the writ petition and the same is liable to be dismissed.

Having regard to the statements made in the counter affidavit, more particularly with regard to the entries in Column No.8 of FIR, this Court is of the opinion that no prejudice would be caused to the petitioner since the delay in registering the FIR is already explained in Charge Sheet, which is pending adjudication before the concerned Court. Further, no reply affidavit is filed by way of rebuttal, though a detailed counter affidavit is filed explaining the reasons for delay in registering the FIR. Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

Pending miscellaneous petitions, if any, shall also stand dismissed.

P.KESHAVA RAO,J

Date:16.09.2019
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Dated:16.09.2019