

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.11613 OF 2016

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking to declare the action of the official respondents in not taking necessary action upon the representations of the petitioner, dated 09.05.2013, 21.05.2013, 28.10.2014, 27.11.2015, 27.01.2016 and 18.03.2016, as arbitrary and illegal and consequently, direct the official respondents to initiate criminal action against respondents 11 to 21 under the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.

2. Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Home appearing for the official respondents 1 to 5, 8 to 10. There is no representation for the unofficial respondents 11 to 21. Perused the record.

3. Learned counsel for the petitioner would submit that despite the petitioner had lodged the aforesaid complaints, no action has been taken by the official respondents. He further submits that though the complaints disclose cognizable offences, no case is registered as on today. Hence, the Writ Petition is filed.

4. In view of the circumstances, it is pertinent to state that when a report is lodged with the police disclosing the commission of cognizable offences and no action has been taken

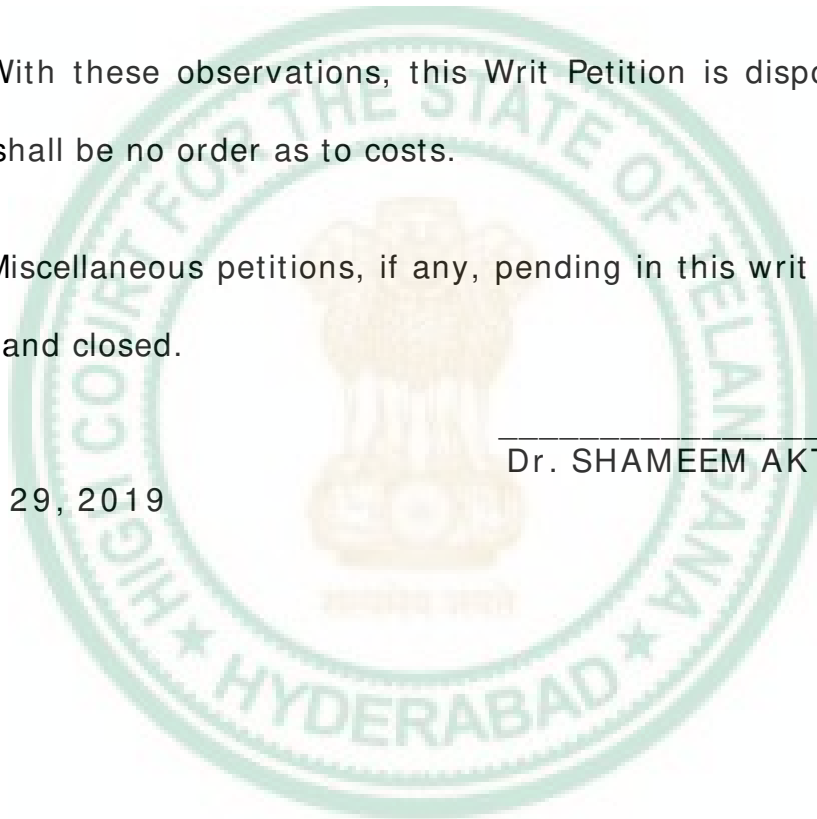
on that report, the aggrieved party is entitled to file a complaint before the Court concerned under Section 200 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C'). When there is an efficacious remedy is available to the petitioner under Section 200 Cr.P.C., it is not appropriate to direct the police to register the criminal case and issue First Information Report. The petitioner is granted liberty to workout the remedies as indicated above.

5. With these observations, this Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

APRIL 29, 2019
YVL

Dr. SHAMEEM AKTHER, J



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Date:29.04.2019

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