

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

THURSDAY, THE FIRST DAY OF OCTOBER
TWO THOUSAND AND TWENTY

**PRESENT
THE HONOURABLE SRI JUSTICE P. NAVEEN RAO**

WRIT PETITION NO: 9373 OF 2020

Between:

M. Koteswara Rao, S/o M. Vijay Prasad Rao, Aged about 41 years, Occ. Business,
R/o.12-13-829/2, Gokul Nagar, Tarnaka, Secunderabad.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Department of Home, Secretariat, Hyderabad.
2. The Commissioner of Police, Rachakonda Police Commissionerate, Rachakonda, Ragannaguda X Roads, Hyderabad.
3. The Assistant Commissioner of Police, Malkajgiri at Malkajgiri.
4. The Deputy Commissioner of Police, Malkajgiri at Malkajgiri.
5. The Station House Officer, Nacharam Police Station, Medchal Malkajgiri District.
6. Smt. G. Yamma, W/o Late G. Sattaiah, Aged about 64 years, Occ. Housewife, R/o H.No.1-6-174/B/4, Bapooji Nagar, Zamistanpur, Musheerabad, Hyderabad.
7. Smt. Paka Kalyani, W/o Paka Ravi Kumar, Aged about 40 years, Occ:Housewife, R/o H. No.12-11-860, Warasiguda, Secunderabad.
8. K. Radha Krishna, S/o Krishna Rao, Aged about 58 years, R/o H.No.5-38/B/1, Krishnanagar Colony, Mallapur, Ranga Reddy District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent police in not registering the complaint of the petitioner dated 12-06-2020 as arbitrary, illegal and against the principles of natural justice and consequently direct the respondents to register a crime against the unofficial respondents 6 to 8

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondent police to register a crime against the unofficial respondents 6 to 8 by considering the complaint of the petitioner dated 12-06-2020, pending disposal of the main writ petition

Counsel for the Petitioner : SRI K.SAI KRISHNA MOHAN RAO (not present)

Counsel for the Respondent Nos.1 to 5 : AGP FOR HOME

Counsel for the Respondent Nos.6 to 8 : --

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.9373 OF 2020

ORDER:

Heard learned counsel for petitioner and learned Assistant Government Pleader for Home appearing for respondents 1 to 5.

2. This writ petition is filed praying to direct the respondent police to register the crime on the complaint lodged by the petitioner on 12.06.2020.

3. On 11.08.2020, when the matter was taken up for consideration, learned Assistant Government Pleader informed the Court that on receiving the complaint, a GD entry was made and on 19.06.2020 a letter was issued calling upon the petitioner to produce the documentary evidence in support of his version. But, till 11.08.2020, no material was produced by the complainant. Learned Assistant Government Pleader also undertook to serve a copy of the said notice to learned counsel for the petitioner.

4. On 08.09.2020, learned counsel for the petitioner was not present. Learned Assistant Government Pleader informed the Court that the subject matter of the writ petition is covered by the decision of this Court in **Govind Raju Sami v. State of Telangana and Others**¹. Therefore, the matter was directed to be listed on 10.09.2020 under the caption 'for orders'. On 10.09.2020, as there was no representation for the petitioner, the matter was adjourned to 14.09.2020. On the said date also, there was no representation for the petitioner. Again the matter was listed on 28.09.2020. Since there was no representation for the petitioner

¹ 2019 (3) ALT 139

on 28.09.2020, the matter was directed to be listed on 29.09.2020 under the caption 'for dismissal'. On 29.09.2020, there was no representation for the petitioner. Therefore, the matter was directed to be listed on 01.10.2020 as a last chance under the caption 'for dismissal'. Today also, there is no representation for the petitioner, though the matter is listed under the caption 'for dismissal'.

5. As stated by learned Assistant Government Pleader, the petitioner did not cooperate to furnish the relevant information sought by the police on the complaint lodged by him. Therefore, the petitioner cannot allege that the police are not taking action on the complaint filed by him. Further, even if the petitioner has any grievance against non-registration of crime, he has to avail the remedy provided under the Code of Criminal Procedure.

6. The aspects of non-registration of crime and remedies available to an aggrieved person were considered by the Hon'ble Supreme Court in **M.Subramaniam and another v. S.Janaki and another**². In the said judgment, the Hon'ble Supreme Court affirmed the view taken by the Supreme Court in **Sakiri Vasu v. State of Uttar Pradesh**³ and **Mohd. Yousuf v. Afaq Jahan**⁴ and held as under:

*17. In our opinion Section 156(3) Cr.P.C. is wide enough to include all such powers in a Magistrate which are necessary for ensuring a proper investigation, and it includes the power to order registration of an FIR and of ordering a proper investigation if the Magistrate is satisfied that a proper investigation has not been done, or is not being done by the police. Section 156(3) Cr.P.C., though briefly worded, in our opinion, is very wide and it

² 2020 SCC online S.C. 341

³ (2008) 2 SCC 409

⁴ (2006) 1 SCC 627

will include all such incidental powers as are necessary for ensuring a proper investigation."

7. The writ petition is accordingly dismissed leaving it open to the petitioner to work out his remedies as available in law.

Miscellaneous petitions, if any pending, stand closed.

//TRUE COPY//

SD/-B.SATYAVATHI
ASSISTANT REGISTRAR


SECTION OFFICER

To

1. One CC to Sri K.Sai Krishna Mohan Rao, Advocate [OPUC]
2. Two CCs to GP for Home, High Court for the State of Telangana at Hyderabad [OUT]
3. Two CD Copies

Kj.



HIGH COURT

DATED:01/10/2020



ORDER

WP.No.9373 of 2020

**DISMISSING THE WRIT PETITION
WITHOUT COSTS.**

Handwritten signature
9/10/2020 - 5