

HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION NO.27361 OF 2019

ORDER:

This Writ Petition is filed questioning the inaction of 3rd respondent in not acting upon the petitioner's report dated 16.11.2019 by initiating appropriate action against the 4th respondent for giving false complaint dated 29.09.2019 to the Station House Officer, Chintapally, as being illegal, arbitrary and unconstitutional.

Heard Sri Pulla Rao Yellanki, learned Counsel for the petitioner and learned Assistant Government Pleader for Home.

Learned Assistant Government Pleader for Home, on written instructions dated 12.12.2019, submits that the petitioner herein sent a representation dated 16.11.2019 through registered post and the same was received by the 3rd respondent on 19.11.2019. Upon receipt of the above petition, G.D. entry was made and on perusal of the petition, it revealed that already a case was registered in Crime No.149 of 2019 on the complaint of one Ananthula Srinivasa Reddy and the case is under investigation, and after completion of the investigation, case would be finalized.

It is submitted by the learned Assistant Government Pleader for Home that the 3rd respondent on receipt of the above representation and going through the contents of the complaint, has informed the petitioner that since the case in Crime No.149 of 2019 is under investigation and if the investigation proved the FIR contents to be false against the petitioner, the same will be

reported to the Court. By observing so in the notice, the authority informed the petitioner that at this stage, the authority cannot take any action on the complaint made by the petitioner, since no criminal content is made out at this stage in relation to the FIR No.149 of 2019 under investigation.

Since, in terms of the provisions of Section 182 IPC, the petitioner would only be entitled to take action for false information, only upon completion of investigation and it is found that the said complaint on the basis of which crime is registered, is made on the basis of information which is knowingly incorrect. It is only thereafter the petitioner would be entitled to initiate proceedings against the persons named in the complaint. Since the investigation in crime No.149 of 2019 is not reached finality, no orders need be passed in this Writ Petition at this stage.

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

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

T. VINOD KUMAR, J

Date: 03.01.2020.

MRKR

