

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

WEDNESDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

WRIT PETITION NO: 10883 OF 2022

Between:

1. Smt. Chinnari Susheela, W/o. Chinnari Raghava Rao, Aged about 70 years, Occ Household
2. Chinnari Raghava Rao, S/o. Late. Ch. Rama Murthy, Aged about 76 years, Occ Nil, Both are R/o. H.No.2-3-703/1/1, Golikuteeram Tirumala Nagar, Amberpet, Hyderabad-500 013-Telangana State

...PETITIONERS

AND

1. The State of Telangana, Rep. by its Principal Secretary to Govt. Home Department, Secretariat, BRKR Bhavan, Hyderabad.
2. The Commissioner of Police, Hyderabad City, Hyderguda, Basheerbagh, Hyderabad, Telangana State.
3. The Station House Officer, Police Station Amberpet, Hyderabad-T.S.
4. Smt. A. Sirisha, W/o. Late Chinnari Nand Kishore, Aged about 36 years, Occ Household, R/o. C/o. Andavarapu Surya Rao Patrudu, Near Sacred Heart School, Chekaguda Road, (Beside M. Ananda Rao, Retd. Prof. of Commerce) Rayagada-765001- State of Orissa
5. Dr. A. Sandeep Kumar, B.D.S, Dental Surgeon, Aged about 34 years, Occ Doctor, R/o. C/o. Andavarapu Surya Rao Patrudu, Near Sacred Heart School, Chekaguda Road, (Beside M. Ananda Rao, Retd. Prof. of Commerce) Rayagada-765001-State of Orissa.
6. Smt. Potapana Ramya, W/o. Dr. A. Sandeep Kumar, B.D.S, Dental Surgeon, Aged about 32 years, Occ Household, R/o. C/o. Andavarapu Surya Rao Patrudu, Near Sacred Heart School, Chekaguda Road, (Beside M. Ananda Rao, Retd. Prof. of Commerce) Rayagada-765001-State of Orissa.

...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 order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd and 3rd respondent in non-registering of FIR against the respondents No. 4 to 6 basing on the complaint dt 12.11.2021 made by the petitioners is highly illegal, arbitrary, unconstitutional violation of Principles of Natural Justice and also in violation of Articles 14, 19 and 21 of the Constitution of India and consequently direct the 2nd and 3rd

respondents to register the FIR against the respondents No. 4 to 6 basing on the complaint dt.12.11.2021 made by the petitioners.

IA NO: 1 OF 2022

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 2nd and 3rd respondents to forthwith register the FIR against the respondents No. 4 to 6 and others basing on the complaint on 12.11.2021 made by the petitioners, pending disposal of the above writ petition.

Counsel for the Petitioners: SMT. R. MADHAVI LATHA

**Counsel for the Respondent Nos.1 to 3: SRI A. MANOJ KUMAR
AGP FOR HOME**

Counsel for the Respondent Nos.4 to 6:-----

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.10883 of 2022

ORDER:

The petitioners herein seek a writ of Mandamus declaring the action of respondent Nos.2 and 3 in not registering the FIR against the unofficial respondent Nos.4 to 6 basing on the complaint, dated 12.11.2021 made by the petitioners as illegal, arbitrary and consequently direct the respondent Nos.2 and 3 to register FIR against the respondent Nos.4 to 6 basing on the complaint, dated 12.11.2021.

2. Heard both sides. Perused the record.

3. The grievance of the petitioners is that though they have lodged a complaint, dated 12.11.2021, with respondent No.3/SHO, Amberpet Police Station, against the unofficial respondent Nos.4 to 6, no action has been taken so far on the said complaint and ultimately sought a direction to respondent-police to issue FIR against respondent Nos.4 to 6 and investigate into the same.

4. The learned Assistant Government Pleader for Home appearing for official respondent Nos.1 to 3 would submit that the subject complaint, dated 12.11.2021 was enquired into. After collecting evidence and evaluating the same, the respondent No.3/SHO

Amberpet Police Station, reached to the conclusion that the dispute between the petitioners and the unofficial respondent Nos.4 to 6 is civil in nature and accordingly, the subject complaint was closed as 'civil in nature', and the same was intimated to the petitioners. The petitioners have produced a copy of notice sent by respondent No.3 to them intimating that the subject complaint was closed as 'civil in nature' before this Court.

5. Since the respondent-police have acted upon the subject complaint, dated 12.11.2021, no direction as sought for in this writ petition can be given. If the petitioners are aggrieved by the closure of the subject complaint, dated 12.11.2021, as intimated to them vide notice sent by respondent No.3, it is open to them to invoke the jurisdiction of the competent criminal Court under Section 200 of Cr.P.C., and seek appropriate remedies, in accordance with law.

6. With the above observation, this writ petition is disposed of. No costs.

Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

//TRUE COPY//

Sd/- B. SATYAVATHI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary to Govt. Home Department, State of Telangana, Secretariat, BRKR Bhavan, Hyderabad.
2. The Commissioner of Police, Hyderabad City, Hyderguda, Basheerbagh, Hyderabad, Telangana State.

3. The Station House Officer, Police Station Amberpet, Hyderabad-T.S.
4. One CC to Smt. R. Madhavi Latha, Advocate [OPUC]
5. Two CCs to GP for Home. High Court for the State of Telangana at Hyderabad. [OUT]
6. Two CD Copies
7. One Spare Copy

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HIGH COURT

DATED:09/03/2022

ORDER

WP.No.10883 of 2022



DISPOSING OF THE WP
WITHOUT COSTS

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21-3-22 (9)