

HONOURABLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.13965 of 2022

ORDER:

This Writ Petition is filed for issue of Writ of Mandamus directing respondent Nos.3 and 4 to register F.I.R. against 5th respondent for creating an unpleasant incident by throwing away the plant pots kept in front of the house and uprooting the papaya tree and issuing threats to the petitioners to kill and dire consequences.

2. Heard learned counsel for petitioners and learned Government Pleader for Home appearing for respondent Nos.1 to 4, and with their consent, this Writ Petition is taken up for hearing and disposal at the admission stage.

3. Petitioners contend that they are running an orphanage home by obtaining necessary permission in the premises belonging to respondent Nos.5 and 6 leased to them. While that being so, the unofficial respondents, claiming that petitioner are in arrears of rent in respect of the property leased to them, have initiated proceedings seeking eviction by filing a civil suit; that notwithstanding the filing of suit, have entered into the subject premises of the petitioners and issued threats to the petitioners, have also thrown away potted plants

and also uprooted the papaya tree located in front of the house and have put the petitioners to fear. Petitioners further contend that upon respondent Nos.5 and 6 committing the said acts, petitioners claim to have approached the 4th respondent and submitted a written complaint on 13.02.2022 which has been duly acknowledged by official-respondents. However, in spite of receiving the complaint and having acknowledged, no further action is taken by respondent No.4 on the complaint lodged, which act of respondent No.4, it is contended to be illegal, arbitrary and high handed.

4. Learned Government Pleader for Home appearing for respondent Nos.1 to 4 has placed before this Court written instructions with the signature of Sub-Inspector of Police, Medipally P.S., Rachakonda Commissionerate dt.21.03.2022. The said written instructions are taken on record.

5. By the said written instructions, it is stated by respondent Nos.1 to 4 that on receipt of the above complaint from petitioners on 13.02.2022 at 11.00 hours, the respondent-authorities have made a G.D. entry and conducted a preliminary enquiry and as the contents of the complaint discloses non-cognizable offences, the respondent-

authorities filed a requisition before the III Metropolitan Magistrate, Cyberabad at L.B. Nagar requesting to accord permission to investigate into the above complaint. Upon receiving permission from the said Court on 19.03.2022, the respondent-authorities have registered a case in Cr.No.264 of 2022 under Section 427, 506 I.P.C. of Medipally P.S., Rachakonda and investigation into the above case is entrusted to Sri Damodhar Reddy, HC-2754. By the said written instructions, it is also stated that respondent-authorities have taken action, swiftly by enquiring into the matter and by filing necessary requisitions to the concerned Metropolitan Magistrate and therefore the claim of the petitioners that respondent-authorities have not acted on the complaint, is without any basis.

6. I have taken note of respective submissions.

7. Having regard to the submissions and taking note of the fact that respondent-authorities had made requisition to the concerned Metropolitan Magistrate to accord permission to register the case; and that having obtained such permission on 19.03.2022, registered a case vide Cr.No.264 of 2022 against the accused named in the complaint, it cannot be said that the respondent-authorities failed to take any action

on the complaint of the petitioners. Since a case has been registered and being investigated into by the respondent-authorities, the grievance of the petitioners in the Writ Petition stands redressed.

8. However, it is made clear that since a crime is registered based on the complaint made by petitioners, the respondent-authorities shall endeavour to complete the investigation in the matter as expeditiously as possible and take further action in accordance law.

9. Subject to the above directions, this Writ Petition is disposed of.
No costs.

10. Consequently, miscellaneous petitions, pending if any, shall stand closed.

T.VINOD KUMAR, J

Date: 24-03-2022

Vsv