

HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.27345 OF 2022

ORDER : (ORAL)

This writ petition is filed by the petitioner seeking to declare high-handed action of respondent No.3 - the Station House Officer, Balanagar Police Station, Cyberabad Police Commissionerate, Hyderabad, in not discharging his statutory duties obligated under Sections 154 and 156 of the Code of Criminal Procedure 1973 (for short 'Cr.P.C.') on his complaint dated 21.09.2021.

2. The case of the petitioner is that contents of his complaint disclose cognizable offences, as such, respondent No.3 ought to have registered First Information Report (FIR) under Section 154 of Cr.P.C. as per the judgment of the Hon'ble Supreme Court in **Lalita Kumari v. State of Uttar Pradesh**¹, on his complaint.

3. Learned Assistant Government Pleader for Home, based on the written instructions dated 29.06.2022 issued by respondent No.3, has submitted that complaint dated 21.09.2021 was lodged

¹ (2014) 2 SCC 1

by the petitioner with respondent No.3 stating that he is owner of the vehicles viz., (1) Swift Desire No.TS-10-UA-0230 and (2) Innova No.TS-10-UA-2495 which were hypothecated to the Bank of India, Khairatabad Branch, Hyderabad. The petitioner was unable to pay outstanding dues to the Bank of India. On 20.09.2021 and 21.09.2021, anti-social elements engaged by the Bank of India have seized the above two vehicles. On receipt of complaint from the petitioner, respondent No.3 has made an entry in the General Diary and during the course of enquiry, as it was revealed that there was a civil / financial disputes between the petitioner and the Bank of India authorities and that no cognizable offence is made out, complaint of the petitioner was closed as 'civil in nature' and the same was informed to the petitioner through post.

4. In the above circumstances, no further orders are required to be passed in this writ petition.

5. Therefore, the writ petition is closed, at the admission stage itself, granting liberty to the petitioner to invoke appropriate legal remedy, if aggrieved by the closure of enquiry. No order as to costs.

As a sequel thereto, miscellaneous applications, if any, pending in the writ petition stand closed.

B. VIJAYSEN REDDY, J

February 23, 2023.

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