

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

**TUESDAY, THE NINETEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 3836 OF 2024

Between:

Paradise Peak Pvt. Ltd., Having its office at Plot No. 34, 230/D, Main Road, Zaheerabad, Sangareddy District - 502318, Rep. by its Managing Director - Mr. Mohammed Sikander Rayees, S/o. Mohammed Rafeeq Baba, aged 29 years, R/o. D.No. 13-1-1233/281/7/A, Natraj Nagar, Kulsumpura, Hyderabad - 500067

...PETITIONER

AND

1. State of Telangana, Rep. by its Principal Secretary, Home Department, Secretariat, Hyderabad.
2. Director General of Police, Government of Telangana, Hyderabad.
3. The Superintendent of Police, Sanga Reddy District.
4. The Station House Officer, Zaheerabad Town Police Station, Zaheerabad, Sanga Reddy District.
5. Ram Mohan Chinta, S/o. Late Anjaiah, Aged about 63 years, Occ. Business, R/o. Plot No.419, Ravuri Nilayam, Road No.14, Banjara Hills, Hyderabad - 500034, Also at. R/o. Flat No.102, Paramila Banjara, Road No.10, Gowri Shankar Nagar, Khairatabad, Hyderabad - 500034.

...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 a writ, order or direction more particularly in the nature of Writ of Mandamus declaring the inaction on the part of the 3rd respondent in acting on the Petitioner's complaint dated 02.02.2024 against the inaction of the 4th respondent in registering F.I.R. pursuant to the Petitioner's complaint dated 19.12.2023 against the 5th respondent for the offences under sections 406, 420 I.P.C., as illegal, arbitrary and violative of Articles 14, 19 and 21 of the Constitution of India.

IA NO: 1 OF 2024

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 3rd respondent to consider the Petitioner's complaint dated 02.02.2024 against the inaction of the 4th respondent in registering F.I.R. pursuant to the Petitioner's complaint dated 19.12.2023 against the 5th respondent for the offences under sections 406, 420 I.P.C., pending disposal of the writ petition.

Counsel for the Petitioner: SRI J.PRADEEP KIRAN

Counsel for the Respondent Nos.1 TO 4: GP FOR HOME

Counsel for the Respondent No.5: --

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE C. V. BHASKAR REDDY

WRIT PETITION No.3836 of 2024

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner, seeking the following relief:

"...to issue a writ, order or direction more particularly in the nature of Writ of Mandamus declaring the inaction on the part of the 3rd respondent in acting on the Petitioner's complaint dated 02.02.2024 against the inaction of the 4th respondent in registering F.I.R. pursuant to the Petitioner's complaint dated 19.12.2023 against the 5th respondent for the offences under sections 406, 420 I.P.C., as illegal, arbitrary and violative of Articles 14, 19 and 21 of the Constitution of India..."

2. The learned counsel for the petitioner has submitted that petitioner has lodged a complaint dated 19.12.2023 on the file of respondent No.4 for taking necessary action against the respondent No.5 and even though the said complaint reveals commission of cognizable offence, the respondent No.4 did not register a case following the procedure contemplated under Section 154 Cr.P.C and also the guidelines issued by the Hon'ble Supreme Court in ***Lalitha Kumari vs. Government of U.P and others***¹. Therefore, the petitioner has submitted a representation

¹ (2013) 14 SCR 713

dated 02.02.2024 on the file of respondent No.3 and even then, till date no action has been taken.

3. Per contra, the learned Assistant Government Pleader for Home appearing for respondent Nos.1 to 4 has submitted that with regard to the same subject matter, earlier the petitioner had submitted a complaint and the same was registered as a case in Crime No.350/2023 dated 06.11.2023 for the offences under Sections 447 and 506 IPC against the respondent No.5 and others and the investigation is in progress. It is further submitted that respondent No.5 also lodged a complaint against the petitioner and the same was registered as a case in Crime No.306/2023 dated 06.10.2023 for the offences under Section 427 and 447 IPC and the investigation is in progress. It is further submitted that in view of registration of FIR No.350/2023 on similar allegations, the complaint dated 19.12.2023 has not been acted upon. It is also submitted that pursuant to the representation dated 02.02.2024 submitted to the respondent No.3, the respondent No.4 has informed the petitioner that already FIR No.350/2023 was registered on the same allegations and investigation is in progress and if any further clues/evidence comes-forth against respondent

No.5 herein in Crime No.350/2023 necessary action would be taken by adding or altering the section of law.

4. In view of the above submissions, the respondent No.4 is directed to conduct the investigation in Crime No.350/2023 strictly, in accordance with law and file appropriate report/charge sheet, before the concerned Court.

5. Accordingly, this Writ Petition is disposed of.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed. No order as to costs.

SD/- K.SREERAMA MURTHY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, Home Department, Secretariat, Hyderabad, State of Telangana.
2. Director General of Police, Government of Telangana, Hyderabad.
3. The Superintendent of Police, Sanga Reddy District.
4. The Station House Officer, Zaheerabad Town Police Station, Zaheerabad, Sanga Reddy District.
5. One CC to SRI J.PRADEEP KIRAN, Advocate [OPUC]
6. Two CCs to GP FOR HOME, High Court for the State of Telangana, at Hyderabad. [OUT]
7. Two CD Copies

PSK.
GJP



HIGH COURT

DATED:19/03/2024

ORDER

WP.No.3836 of 2024



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS.**

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~~MMAS~~
~~04/4/2024~~