

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

TUESDAY, THE TWENTY EIGHTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 32872 OF 2024

Between:

Syed Shafi @ Asim, S/o Syed Azam, Aged about 34 years, Occ Electrician,
R/o 21-4-685 Petla Burj, Hyderabad.

...PETITIONER

AND

1. The State of Telangana, Home Department, Secretariat, Hyderabad, Rep. by its Principle Secretary
2. The Commissioner of Police, Hyderabad Commissionerate, Basheerbagh, Hyderabad
3. The Asst Commissioner of Police, Charminar, Hyderabad.
4. The Station House Officer, Hussainialam Police Station, Hyderabad
5. Mohd Ashfaq Sabri, S/o Mohd. Omar Sabri Aged about 38 years, Occ Pvt. Employee, R/o 18-7-298/1, Near Milan Tea Point, Khabrasthan Ki Galli, Yakatpura, Hyderabad.
6. Yaseen Bee, W/o Mohd. Omar Sabri, Aged about 60 year, Occ Housewife, R/o 18-7-298/1, Near Milan Tea Point, Khabrasthan Ki Galli, Yakatpura, Hyderabad
7. Zainab Begum, D/o Mohd. Omar Sabri Aged about 38 years, Occ Household, R/o 18-7-298/1, Near Milan Tea Point, Khabrasthan Ki Galli, Yakatpura, Hyderabad.
8. Farooq, S/o not known to the petitioner, Age Major, Occ Business, R/o 18-7-298/1, Near Milan Tea Point, Khabrasthan Ki Galli, Yakatpura, Hyderabad
9. Arfat, S/o not known to the petitioner, Age Major, Occ Business, R/o 18-7-298/1, Near Milan Tea Point, Khabrasthan Ki Galli, Yakatpura, Hyderabad
10. Imtiyaz, S/o not known to the Petitioner, Age Major, Occ Business, R/o 18-7-298/1, Near Milan Tea Point, Khabrasthan Ki Galli, Yakatpura, Hyderabad

...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 or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in not registering the FIR against the unofficial respondent No. 6 to 11 though the cognizable offence committed by them in pursuant to the petitioners' complaint dated 10-11-2024 & 13-11-2024 as illegal, arbitrary, unconstitutional, violative of Principles of natural

justice and contrary to the judgment of the Hon'ble Supreme Court and consequently direct the Official Respondents to register the FIR duly effecting the arrest of the accused and conduct investigation by following due procedure of law as contemplated under law.

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 respondents No. 2 to 5 forthwith to register the FIR against the unofficial respondents in pursuant to the petitioners' complaint dt 10-11-2024 & 13-11-2024, pending disposal of the main Writ Petition.

Counsel for the Petitioner: SRI L.RAM SINGH

Counsel for the Respondent Nos.1 TO 4: SRI M.SRINIVAS, AGP FOR HOME

Counsel for the Respondent Nos.5 TO 10: --

The Court made the following: ORDER

HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.32872 OF 2024

ORDER:

This writ petition is filed by the petitioner seeking to declare the action of respondent No.4 - Station House Officer, Hussainialam Police Station, in not registering the First Information Report against respondent Nos.5 to 10 though cognizable offences have been committed by them, as being arbitrary and unconstitutional.

2. Heard Mr. L. Ram Singh, learned counsel for the petitioner, and Mr. M. Srinivas, learned Assistant Government Pleader for Home, and perused the material available on record.

3. Learned counsel for the petitioner submitted that complaints dated 10.11.2024 and 13.11.2024 were lodged by the petitioner against unofficial respondents, but so far FIR is not registered, thus the petitioner approached this Court.

4. Learned Assistant Government Pleader for Home furnished written instructions and submitted that the petitioner approached respondent No.4 on 10.11.2024 with injuries said to have been caused by respondent Nos.5 to 10. The petitioner was sent to Osmania General Hospital, Hyderabad, for treatment. Subsequently, the petitioner lodged a complaint with respondent No.4 on 14.11.2024. In

the complaint, the petitioner stated that his marriage was performed with one Wasisa Fathima in the year 2019; during the wedlock, one female child was born, who is now aged about three years; thereafter, some difference arose between them; on 08.11.2024, the petitioner's wife along with her brother - respondent No.5, mother - respondent No.6 and others left the house by leaving the child with the petitioner; on 10.11.2024, the wife of the petitioner along with respondent Nos.5 to 10 came to the house of the petitioner and abused the petitioner and his father and beat him; in the incident, the petitioner received injuries.

5. It is stated that pursuant to the complaint of the petitioner, General Diary entry was made. In the enquiry, it was revealed that respondent Nos.5 to 10 came to the house of the petitioner to settle matrimonial disputes, but the matter was not settled, upon which both parties abused and quarrelled with each other, as such, Petty Case No.HYD/HUSPC00324 was booked on 15.11.2024 against respondent No.5. The other respondents did not co-operate with the enquiry. The petitioner's wife filed W.P.No.35121 of 2024 against the Enquiry Officer - Sub Inspector of Police of Hussainialam and other police officers and sought for a direction to restrain them from interfering in the matrimonial disputes. Sincere efforts are continued to book petty case against respondent Nos.6 to 10 pursuant to the complaint of the

petitioner. A copy of the written instructions is served on the learned counsel for the petitioner.

6. In view of the above, the writ petition is disposed of granting liberty to the petitioner to avail appropriate remedy, if he is not satisfied with registration of petty case and if cognizable offences are made out on his complaint. No order as to costs.

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

//TRUE COPY//

SD/-A.V.S.PRASAD
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. The Principle Secretary, State of Telangana, Home Department, Secretariat, Hyderabad.
2. The Commissioner of Police, Hyderabad Commissionerate, Basheerbagh, Hyderabad
3. The Asst Commissioner of Police, Charminar, Hyderabad.
4. The Station House Officer, Hussainialam Police Station, Hyderabad
5. One CC to SRI L.RAM SINGH, 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

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HIGH COURT

DATED:28/01/2025

ORDER

WP.No.32872 of 2024



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

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18/2/25