

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Writ Petition No.21097 of 2019

ORDER:

1. This writ petition under Article 226 of Constitution of India is filed, questioning the inaction of fourth respondent herein/Sub Inspector of Police, Rallabudugur police station, Santhipuram Mandal, Chittoor District, in registering crime, based on complaint dated 23.09.2019, disclosing information about commission of cognizable offence, declare the same as illegal and arbitrary, consequently direct fourth respondent to register crime, based on complaint dated 23.09.2019.

2. Admittedly, petitioner lodged report with police dated 23.09.2019, to take action against fifth respondent and others, who have illegally and forcibly entered into the land, removed trees, took away without the consent of petitioner, but no crime was registered and issued F.I.R, thereby the action of fourth respondent is illegal.

3. A bare look at the complaint lodged with fourth respondent, discloses that fifth respondent and others criminally trespassed into the land, caused damage to 700 trees, removed those trees and took away, without the consent of petitioner. Thus they allegedly committed an offence punishable under Sections 447 and 379 of Indian Penal Code, but no crime is registered.

4. Whereas, the learned Assistant Government Pleader for Home, though denied the inaction of fourth respondent, requested to pass appropriate order.

5. As the complaint discloses, information about commission of cognizable offence, police are bound to register crime against the person who allegedly committed such offence and the Apex Court in ***Lalita Kumari v. Government of Uttar Pradesh and others***¹ issued certain directions, but fourth respondent failed to follow the directions issued by the Apex Court, thereby, fourth respondent, being public officer, failed to discharge his duty. Hence, I find it is a fit case to issue direction to fourth respondent to register crime, based on the complaint dated 23.09.2019, issue F.I.R, investigate into and file final report before jurisdictional magistrate, as expeditiously as possible.

6. With the above direction, the writ petition is allowed. There shall be no order as to costs.

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

JUSTICE M. SATYANARAYANA MURTHY

Dated 26.12.2019
Rvk

¹ (201 4) 2 SCC 1