

APHC010199722020

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)



THURSDAY, THE SEVENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE
PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA
WRIT PETITION NO: 12978 OF 2020

Between:

1. Smt. G. Manorama, w/o Late G. Kumara Swamy, Aged about 58 years, Occ: Housewife, R/o 3-91/B, Srihari Colony, Santhi Nagar, Tirupati Urban, Tirupati - 517501. Chittoor District.
2. O. Surendrababu, S/o Late O. Balasubramanyam, Aged about 54 years, Occ Business, R/o 18-1-47/0, K.T. Road, Tirupati Urban, Tirupati - 517501, Chittoor District.
3. O. Surya Prakash, S/o Late O. Balasubramanyam, Aged about 50 years, Occ Business R/o No. 352, M.E.S. Road, Muthyal Nagar, Bangalore, Karnataka - 560054.
4. Snit. S. Jhanasi, w/o S. Sunil Kumar, Aged about 30 years, Occ Housewife, R/o No. 244, 1st Floor, 7th Main, B.E.M.L. 3rd Stage, Rajarajeshwari Nagar, Bangalore South, Karnataka - 560098.

...Petitioners

AND

1. The State of Andhra Pradesh, rep. by its Principle Secretary (Home) Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
2. The Inspector General of Police, Rayalaseema Region, Kurnool.
3. The Superintendent of Police, O/o The Superintendent of Police, Tirupati Urban District, Prakasam Road, Tirupati.
4. The Deputy Superintendent of Police, O/o The Deputy Superintendent of Police, Tirupati Urban, Tirupati.

5. The Station House Officer, Alipiri Police Station, Alipiri, Bye Pass Road, Tirupati Urban, Tirupati, Chittoor District.

6. Smt N Sravani, w/o Late G. Guruprasad, Aged about 29 years, Occ Housewife, R/o 3-91/B, Srihari Colony, Santhi Nagar, Tirupati Urban, Tirupati - 517501, Chittoor District.

...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 an order or direction more particularly one in the nature of Writ of Mandamus declaring action of the 5th respondent for not enquiring and registering the FIR on respondent No. 6 against the petitioners complaint submitted on 23-06-2020 in the office of the 3rd respondent, same was acknowledged vide Petition Id TPTU/TPTU/240620/00937, Dated 24-06-2020 for breaking the door of the 1st petitioners house by taking illegally possession of the house, all the gold and silver ornaments from Almaragh during the petitioner's stay with her daughter in Bangalore is illegal, arbitrary and unconstitutional being violating the Art. 14, 21 and 300-A of Constitution of India and consequently (a) direct the respondents No. 4 and 5 to enquire against the complaint given by the 1st petitioner, dated 23-06-2020, vide Petition Id TPTU/TPTU/240620/00937, Dated 24-06-2020 and register the FIR by registering the crime against the respondent Nos. 6 (b) direct the respondent No. 4 and 5 not to arrest the petitioners without following the due procedure by giving notice under Section 41A of Cr.P.O in crime No. 398/2020, dated 20-06-2020, Alipiri Police Station, Tirupati Urban, Tirupati registered basing on the complaint of unofficial respondent No. 6.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be

pleased to direct the respondents No. 4 & 5 not to arrest the petitioners without following the procedure under Section 41A of Cr.P.C in crime No. 398/2020, dated 22-06-2020, Alipiri Police Station, Tirupati Urban, Tirupati registered basing on the complaint of unofficial respondent No.6 pending disposal of the above writ petition.

IA NO: 2 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondent No. 5 to enquire and register the FIR against the unofficial respondent No.6 against the petitioner's complaint, dated 23-06-2020 for breaking the door of the house and taken away all the gold and silver ornaments during the petitioner's stay with her daughter in Bangalore even after the acknowledgment from the office of the 3rd respondent vide petition Id: TPTU/TPTU/240620/00937, dated 24-06-2020 pending disposal of the above writ petition.

Counsel for the Petitioners: SRI RAGHAVAN K THALAPAKA

Counsel for the Respondents No. 1 to 5:GP FOR HOME

Counsel for the Respondent No.6: SRI K KRANTI CHAITANYA

The Court made the following order:

APHC010199722020



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3396]

THURSDAY, THE SEVENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

WRIT PETITION NO: 12978/2020

Between:

1. SMT. G. MANORAMA,, W/O LATE G. KUMARA SWAMY, AGED ABOUT 58 YEARS, OCC HOUSEWIFE, R/O 3-91/B, SRIHARI COLONY, SANTHI NAGAR, TIRUPATI URBAN, TIRUPATI - 517501. CHITTOOR DISTRICT.
2. O. SURENDRABABU, S/O LATE O. BALASUBRAMANYAM, AGED ABOUT 54 YEARS, OCC BUSINESS, RIO 18-1-47/0, K.T. ROAD, TIRUPATI URBAN, TIRUPATI - 517501, CHITTOOR DISTRICT.
3. O. SURYA PRAKASH,, S/O LATE O. BALASUBRAMANYAM, AGED ABOUT 50 YEARS, OCC BUSINESS R/O NO. 352, M.E.S. ROAD, MUTHYAL NAGAR, BANGALORE, KARNATAKA - 560054.
4. SNIT. S. JHANASI,, W/O S. SUNIL KUMAR, AGED ABOUT 30 YEARS, OCC HOUSEWIFE, R/O NO. 244, 1ST FLOOR, 7TH MAIN, B.E.M.L. 3RD STAGE, RAJARAJESHWARI NAGAR, BANGALORE SOUTH, KARNATAKA - 560098.

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPLE SECRETARY (HOME) SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.
2. THE INSPECTOR GENERAL OF POLICE, RAYALASEEMA REGION, KURNOOL.

3. THE SUPERINTENDENT OF POLICE, O/O THE SUPERINTENDENT OF POLICE, TIRUPATI URBAN DISTRICT, PRAKASAM ROAD, TIRUPATI.
4. THE DEPUTY SUPERINTENDENT OF POLICE, O/O THE DEPUTY SUPERINTENDENT OF POLICE, TLRUPATI URBAN, TIRUPATI.
5. THE STATION HOUSE OFFICER, ALIPIRI POLICE STATION, ALIPIRI, BYE PASS ROAD, TIRUPATI URBAN, TIRUPATI, CHITTOOR DISTRICT.
6. SMT N SRAVANI, W/O LATE G. GURUPRASAD, AGED ABOUT 29 YEARS, OCC HOUSEWIFE, R/O 3-91/B, SRIHARI COLONY, SANTHI NAGAR, TIRUPATI URBAN, TIRUPATI - 517501, CHITTOOR DISTRICT.

...RESPONDENT(S):

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 issue an order or direction more particularly one in the nature of Writ of Mandamus declaring action of the 5th respondent for not enquiring and registering the FIR on respondent No. 6 against the petitioners complaint submitted on 23-06-2020 in the office of the 3rd respondent, same was acknowledged vide Petition Id TPTU/TPTU/240620/00937, Dated 24-06-2020 for breaking the door of the 1st petitioners house by taking illegally possession of the house, all the gold and silver ornaments from Almaragh during the petitioner's stay with her daughter in Bangalore is illegal, arbitrary and unconstitutional being violating the Art. 14, 21 and 300-A of Constitution of India and consequently (a) direct the respondents No. 4 and 5 to enquire against the complaint given by the 151 petitioner, dated 23-06-2020, vide Petition Id TPTU/TPTU/240620/00937, Dated 24-06-2020 and register the FIR by registering the crime against the respondent Nos. 6 (b) direct the respondent No. 4 and 5 not to arrest the petitioners without following the due procedure by giving notice under Section 41A of Cr.P.O in crime No. 398/2020, dated 20-06-2020, Alipiri Police Station, Tirupati Urban, Tirupati registered basing on the complaint of unofficial respondent No. 6 and to pass

IA NO: 1 OF 2020

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. 4 & 5 for not enquiring and registering the FIR on

respondent No. 6 against the petitioners complaint submitted on 23-06-2020 in the office of the 3rd respondent, same was acknowledged vide Petition Id: TPTU/TPTU/240620/00937, Dated: 24-06-2020 for breaking the door of the 1st petitioners house by taking illegally possession of the house, all the gold and silver ornaments from Almaragh during the petitioners stay with her daughter in Bangalore pending disposal of the above writ petition and pass

IA NO: 2 OF 2020

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. 4 & 5 not to arrest the petitioners without following the due procedure by giving notice under Section 41A of Cr.P.C in crime No. 398/2020, dated: 22-06-2020, Alipiri Police Station, Tirupati Urban, Tirupati basing on the complaint of unofficial respondent No. 6 pending disposal of the above writ petition and pass

Counsel for the Petitioner(S):

1. RAGHAVAN K THALAPAKA

Counsel for the Respondent(S):

1. K KRANTI CHAITANYA

2. GP FOR HOME

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

WRIT PETITION NO: 12978 of 2020

ORDER:

This Writ Petition is filed under Article 226 of Constitution of India with the following prayer for:

"...pleased issue an order or direction more particularly one in the nature of Writ of Mandamus declaring action of the 5th respondent for not enquiring and registering the FIR on respondent No. 6 against the petitioners complaint submitted on 23-06-2020 in the office of the 3rd respondent, same was acknowledged vide Petition Id TPTU/TPTU/240620/00937, Dated 24-06-2020 for breaking the door of the 1st petitioner's house by taking illegally possession of the house, all the gold and silver ornaments from Almaragh during the petitioner's stay with her daughter in Bangalore is illegal, arbitrary and unconstitutional being violating the Art. 14, 21 and 300-A of Constitution of India and consequently (a) direct the respondents Nos. 4 and 5 to enquire against the complaint given by the 151 petitioner, dated 23-06-2020, vide Petition Id TPTU/TPTU/240620/00937, Dated 24-06-2020 and register the FIR by registering the crime against the respondent Nos. 6 (b) direct the respondent No. 4 and 5 not to arrest the petitioners without following the due procedure by giving notice under Section 41A of Cr.P.O in crime No. 398/2020, dated 20-06-2020, Alipiri Police Station, Tirupati Urban, Tirupati registered basing on the complaint of unofficial respondent No. 6 and to pass..."

2. When the matter was taken up for hearing, Sri Raghavan K Thalapaka, learned counsel for the petitioners would submit that the petition may be disposed of, since the relief has become infructuous.
3. Sri V. Farooq, learned Assistant Government Pleader for Home is in attendance.
4. Recording the above said submission, the Writ Petition is dismissed, since the relief has become infructuous. No order as to costs.

As a sequel thereto, miscellaneous petitions pending, if any, shall stand closed.

//TRUE COPY//

**Sd/- K. TATA RAO
DEPUTY REGISTRAR**

SECTION OFFICER

To,

1. One CC to SRI. RAGHAVAN K THALAPAKA, Advocate [OPUC]
2. One CC to SRI. K KRANTI CHAITANYA, Advocate [OPUC]
3. Two CCs to GP FOR HOME, High Court of Andhra Pradesh [OUT]
4. Two CD Copies

NM

HIGH COURT

DATED:07/08/2025

ORDER

WP NO. 12978 OF 2020



**DISMISSING THE WP AS INFRUCTUOUS
WITHOUT COSTS**