

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

**MONDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE N. TUKARAMJI

WRIT PETITION NO: 13358 OF 2018

Between:

Mulakalapally Anitha, W/o. Ramakrishna, Age: 37 Years, Occ: Agrl, R/o
Huzurnagar Town and Mandal, Suryapet District, TS.

...PETITIONER

AND

1. The State of Telangana, rep by its Principal Secretary, Home Department, Secretariat, Saifabad, Hyderabad, TS.
2. Superintendent of Police, Suryapet District, TS.
3. The Station House Officer, Huzurnagar Mandal, Suryapet District, TS.

...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 one in the nature of Writ of Mandamus declare the action of the 2nd & 3rd is illegal, arbitrary, contrary to law for not register a criminal case as per the contents of the Complaint filed by the Petitioner on 09.04.2018 and consequently direct the 2nd & 3rd Respondents to register a criminal case as per the contents of the Complaint filed by the Petitioner on 09.04.2018 come.

IA NO: 1 OF 2018

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 register a criminal case as per the contents of the complaint filed by the Petitioner on 09.04.2018.

IA NO: 2 OF 2018

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 issue a Writ, order or direction more particularly one in the nature of Writ of

Mandamus declare the action of the 2nd & 3rd is illegal, arbitrary, contrary to law for not register a criminal case as per the contents of the Complaint filed by the Petitioner on 09.04.2018 and consequently direct the 2nd & 3rd Respondents to register a criminal case as per the contents of the Complaint filed by the Petitioner on 09.04.2018 and further direct the 3rd Respondent to provide police protection to the Petitioner.

Counsel for the Petitioner: SRI K. JOSEPH

Counsel for the Respondents: SRI D. PRADEEP, ASST. GP FOR HOME

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

WRIT PETITION No.13358 OF 2018

ORDER:

This Writ Petition is filed with the following relief:

“...to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declare the action of the 2nd and 3rd respondents is illegal, arbitrary, contrary to law for not register a criminal case as per the contents of the Complaint filed by the Petitioner on 09.04.2018 and consequently direct the 2nd and 3rd Respondents to register a criminal case as per the contents of the Complaint filed by the Petitioner on 09.04.2018 come and pass...”

2. Heard Mr. K.Joseph, learned counsel for the petitioner and Mr. D. Pradeep, learned Assistant Government Pleader for Home appearing for respondent Nos.1 to 3.

3. Learned counsel for the petitioner submits that, pursuant to their representation dated 09.04.2018, the respondent police authorities failed to register a crime/FIR. Therefore, the learned counsel prays for issuance of an appropriate direction to respondent Nos.2 and 3 or the officer concerned to ensure registration of the case.

4. Learned Assistant Government Pleader for Home submits that the relief sought in the present writ petition, namely, a direction to the police authorities to register a criminal case, is not maintainable under Article 226 of the Constitution of India,

in view of the well-settled legal position laid down by the Hon'ble Supreme Court.

5. I have perused the material placed on record.

6. The grievance of the petitioner, in essence, is that despite submitting a written complaint dated 09.04.2018, the concerned police authorities failed to register a case. The legal position governing such matters is well settled. In *Sakiri Vasu v. State of U.P. & Others* (AIR 2008 SC 907), the Hon'ble Supreme Court categorically held that when the grievance pertains to the failure of the police to register a First Information Report (FIR), the proper remedy does not lie in invoking the writ jurisdiction of the High Court under Article 226. The Court emphasized that the Code of Criminal Procedure, 1973 ("Cr.P.C.") provides an adequate and efficacious statutory mechanism to redress such grievances.

7. This principle has been consistently reaffirmed by the Hon'ble Supreme Court in subsequent judgments. Notably, in *M. Subramaniam v. S. Janaki & Others* (AIR 2020 SC 387), a three-Judge Bench reiterated that an aggrieved party must avail the remedies provided under the Cr.P.C., including approaching the Magistrate under Sections 156(3) or 200, rather than directly invoking the writ jurisdiction of the High Court.

8. In light of the settled legal position, and in the absence of any exceptional or extraordinary circumstances warranting intervention by this Court under Article 226, the relief sought by the petitioner cannot be entertained. The statutory framework under the Cr.P.C./BNSS provides sufficient and efficacious remedies before the competent Magistrate, which the petitioner is at liberty to pursue in accordance with law, if her grievance still survives.

9. Accordingly, with the above noted liberty, the writ petition is dismissed as not maintainable. There shall be no order as to costs.

Miscellaneous Petitions, pending if any, shall stand closed.

Sd/-K.BHAVANI SWAMY
ASSISTANT REGISTRAR

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SECTION OFFICER

To,

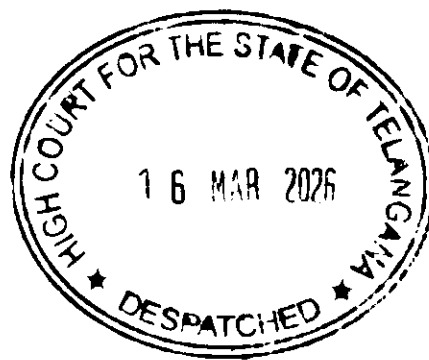
1. One CC to SRI K. JOSEPH, Advocate [OPUC]
2. Two CCs to GP FOR HOME, High Court for the State of Telangana. [OUT]
3. Two CD Copies
BN

PMK



HIGH COURT

DATED:03/11/2025



ORDER

WP.No.13358 of 2018

**DISMISSING THE WRIT PETITION
AS NOT MAINTAINABLE
WITHOUT COSTS**

GMT
23/2/26