

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

SATURDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

WRIT PETITION NO: 28972 OF 2025

Between:

Ajmeera Shirish @ Vankudoth Shirisha, W/o. V.Ketan Kumar, Represented by his Special Power of attorny holder, Ajmeera Usha, W/o. Somani Naik, Aged about 53 years, Occ: House wife, R/o. 3-144, Badi Thanda, Kesamudram Station Mandal, Mahabubabad District.

...PETITIONER

AND

1. The State of Telangana, represented by its Principal Secretary, Home Department, Secretariat of T.S, Hyderabad,Telangana.
2. The Superintendent of Police, at Mahabubabad, Mahabubabad District, Telangana, Pincode.-506101.
3. The Deputy Superintendent of Police, Mahabubabad Division, At Mahabubabad, Mahabubabad District, Telangana,Pincode No.-506101.
4. The Station House Officer, Kesamudram Police Station, at Kesamudram.
5. Ajmeera Sukki, W/o. Late Bichu, Aged about 51 years, Occ. House wife, R/o. Badi Thanda, Kesamudram Station, Kesamudram Mandal,Mahabubabad District-506112.
6. Banoth Priyanka, W/o.Veeranna, Aged about 29 years, Occ. Private Teacher, R/o. Badi Thanda, Kesamudram Station, Kesamudram Mandal,Mahabubabad District-506112.
7. Ajmeera Srujana, D/o. Late Bichu, Aged about 26 years, Occ.Postal Empolyee, R/o. Badi Thanda, Kesamudram Station, Kesamudram Mandal,Mahabubabad District-506112.
8. Banoth Veeranna, S/o. Ramu, Aged about 32 years, Occ. Private Job, R/o. Badi Thanda, Kesamudram Station, Kesamudram Mandal,Mahabubabad District-506112.

...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

Mandamus declaring the action of the respondents 2 to 4 in not registering F.I.R against respondents 5 to 8 on petitioner's report dt 17.01.2024 as being illegal, arbitrary and violative of Art 14 and 21 of Constitution of India and against the provisions of section 154 of Code of Criminal Procedure, 1973 and new act provisions of section 173 of Bharatiya Nagarik Suraksha Sanhita, 2023 and also against the Honourable Supreme court Judgment in Lalitha Kumari Vs Govt of U.P and consequently direct the respondents 2 to 4 to register F.I.R against the respondents 5 to 8 forthwith.

IA NO: 1 OF 2025

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 grant interim directions directing the 4th respondent to register F.I.R against the respondents 5 to 8 forthwith pending disposal of the above writ petition.

Counsel for the Petitioner: SRI B. BALAJI

**Counsel for the Respondent No.1 to 4: SRI R. LAXMIKANTH REDDY,
ASST. GP FOR HOME**

Counsel for the Respondent No.5 to 8: - - -

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE N.TUKARAMJI**WRIT PETITION No.28972 OF 2025****ORDER:**

This Writ Petition is filed under Article 226 of Constitution of India seeking the following relief/s:-

“...to issue a writ order or direction more particularly one in the nature of Mandamus declaring the action of the respondent Nos.2 to 4 in not registering F.I.R against respondent Nos.5 to 8 on petitioners report dated 17.01.2024 as being illegal, arbitrary and violative of Articles 14 and 21 of Constitution of India and against the provisions of section 154 of Code of Criminal Procedure, 1973 and new Act provisions of section 173 of Bharatiya Nagarik Suraksha Sanhita, 2023 and also against the Honourable Supreme court Judgment in Lalitha Kumari Vs Govt. of U.P. and consequently direct the respondent Nos.2 to 4 to register F.I.R against the respondent Nos.5 to 8 forthwith...”

2. I have heard Mr. B.Balaji, learned counsel for the petitioner and Mr.R.Laxmikanth Reddy, learned Assistant Government Pleader for Home appearing for respondent Nos.1 to 4.

3. Learned counsel for the petitioners submits that despite the report dated 17.01.2024, the respondent police have failed to register a crime and conduct an investigation, which is contrary to the provisions of Section 173 of the *Bharatiya Nagarik Suraksha Sanhita, 2023* (“BNSS”) and the settled principles laid down by the Hon’ble Supreme Court in *Lalita Kumari v. Government of U.P.* Consequently, counsel prays for issuance of an appropriate direction to the competent authority to ensure registration of the case.

4. Learned Assistant Government Pleader for Home, on written instructions, submits that the police had duly considered the petitioner's representation and, upon preliminary enquiry, found that the allegations pertained to sharing of property, which is purely civil in nature. Accordingly, the petitioner was advised, and the representation was closed. It is therefore contended that the allegation of police inaction is unfounded, and the writ petition is liable to be dismissed.

5. I have carefully considered the submissions advanced and perused the material available on record.

6. The grievance of the petitioners is that the concerned police authorities failed to register a crime based on their representation dated 17.01.2024. However, as reported by the learned Assistant Government Pleader for Home, the respondent police authorities, upon receipt of the petitioner's representation, conducted an enquiry and closed the same, treating the matter as civil in nature.

7. If the petitioner is aggrieved by the non-registration of the case, she is at liberty to avail herself of the appropriate and efficacious remedies available under law.

8. At this stage, it is pertinent to refer to the settled position of law. The Hon'ble Supreme Court, in *Sakiri Vasu v. State of U.P. & Others*, AIR 2008 SC 907, categorically held that a writ petition under Article 226 is ordinarily not

maintainable where the grievance pertains to non-registration of an FIR, as the *Code of Criminal Procedure, 1973* (now the *Bharatiya Nagarik Suraksha Sanhita, 2023*, wherever applicable) provides adequate and efficacious remedies. The Court clarified that an aggrieved person must first exhaust the statutory remedies provided under the Code rather than directly invoking the extraordinary jurisdiction of the High Court.

9. This legal position was further reaffirmed by a three-Judge Bench of the Hon'ble Supreme Court in *M. Subramaniam v. S. Janaki & Others*, AIR 2020 SC 387, wherein it was held that in such circumstances, the proper course of action for the aggrieved party is to approach the jurisdictional Magistrate by following the procedure prescribed in law, and not to directly invoke writ jurisdiction.

10. In view of the aforesaid binding precedents and in the absence of any exceptional or extraordinary circumstances pleaded or established in the writ petition, it is evident that the relief sought by the petitioners under Article 226 of the Constitution cannot be granted. However as the statutory framework provides adequate and efficacious remedies before the competent Magistrate, which the petitioners are at liberty to pursue in accordance with law, should the cause of action still subsist.

11. Accordingly, 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/-P.PONNA KRISHNA
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

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

PMK

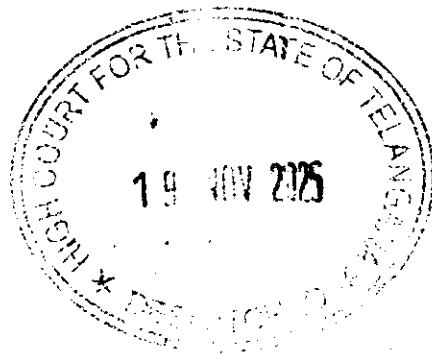


HIGH COURT

DATED:25/10/2025

ORDER

WP.No.28972 of 2025



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

6
Asu
19/11/25