

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

FRIDAY, THE TWENTY FOURTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

WRIT PETITION NO: 31944 OF 2025

Between:

1. Gundlapelly Jyothi, W/o. Karunakar, Aged 35 years, Occ. Housewife,
2. Gundlapelly Karunakar, S/o Mallesham, Aged 36years, Occ Bike Mechanic,
Both are R/o.H.No.4-20/ 1, Pathipaka Village, Dharmaram Mandal, Peddapalli District

...PETITIONER

AND

1. The Union of India, Ministry of Finance, New Delhi, Rep.by its Secretary
2. The Reserve Bank of India, Rep.by its Chief General Manager, 6 Sansad Marg, New Delhi-110001.
3. State of Telangana, Rep.by its Principal Secretary, Department of Home, Secretariat, Saifabad, Hyderabad.
4. The Commissioner of Police, Ramagundam Commissionerate, Peddapalli District
5. The Station House Officer, Dharmaram Police Station, Peddapalli District.
6. Kankanala Venu Gopal Reddy, S/o Krishna Reddy, H.No. 7-88, Gattuboothkur, Gangadhara(M), Karimnagar District-505445.
7. Mote Ajay, S/o Iylaiah, Aged Major, Private Employee, R/o H.No.3-36, Janagam, Husnabad (M), Karimnagar District-505466.
8. Muthyala Santhosh, S/o Muthyala Lasmaiah Aged Major, Private Employee, 4-70, Kanukula, Sultanabad (M), KrimngarDistrict-505185.
9. Hiranandani Financial Services Pvt. Limited, Rep. by its Chief Executive Officer, 9th floor, Sigma, Hiranandani Business Park, Technology Street, Pawai, Mumbai-400076.
10. Hiranandani Financial Services Pvt. Limited, Rep. by its Branch Manager, H.No.8-4-210, Plot No. 15, Ganesh Nagar, Hyderabad Road, Karimnagar District-505001

...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 the action of the Respondents No.4 and 5 in not acting upon the Complaint, dated 12-02-2025, 26-04-2025 and 02-07-2025 lodged by the petitioner, without registering the FIR against the Respondents No.6 to 10 for the cognizable offences, being illegal arbitrary and violative of Article 14 and 21 of the Constitution of India apart from being violative of principles of natural justice and consequently direct the Respondent Nos.3 and 4 to act upon the complaints of the petitioner.

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 direct the Respondents No.10 and 11 to follow Circular, dated 12-08-2022 vide RBI/2022-23/ 108, DOR.ORG.REC.65/21.04.158/2022-23 issued by the Reserve Bank of India in respect of the recoveries.

IA NO: 2 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 direct the Respondent No.3 and 4 to register FIR against the Respondents No.6 to 10 pursuant to the complaint, dated 12-02-2025, 26-04-2025 and 02-07-2025 lodged by the petitioner, pending disposal of the main writ petition.

Counsel for the Petitioner : SRI G.YELLAM GOUD

**Counsel for the Respondent No.1&2 : SRI N BHUJANGA RAO,
Deputy Solicitor General of India**

Counsel for the Respondent No.3to5 : AGP FOR HOME

Counsel for the Respondent No.6to10 : --

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE N. TUKARAMJI

WRIT PETITION No.31944 of 2025

ORDER:

This Writ Petition is filed with the following relief:

"...to issue an order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondent Nos.4 and 5 in not acting upon the complaint, dated 12.02.2025, 26.04.2025 and 02.07.2025 lodged by the petitioner, without registering the FIR against the respondent Nos.6 to 10 for the cognizable offences, being illegal, arbitrary and violative of Article 14 and 21 of the Constitution of India apart from being violative of principles of natural justice and consequently direct the respondent Nos.3 and 4 to act upon the complaints of the petitioner and pass....."

2. Heard learned counsel for the petitioners and learned Assistant Government Pleader for Home appearing for respondent Nos.3 to 5.
3. 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 principles laid down by the Hon'ble Supreme Court.
4. I have perused the material placed on record.
5. The grievance of the petitioners, in essence, is that despite having submitted a written complaints dated 27.07.2017 filed by the petitioners on 12.02.2025, 26.04.2025 and 02.07.2025, the concerned police authorities failed to register a case. Aggrieved by such inaction, the petitioners have approached this Court under Article 226 of the

Constitution of India, seeking a writ of mandamus directing the police authorities to register a crime.

6. The legal position on this issue is well settled and in *Sakiri Vasu v. State of U.P. & Others* (AIR 2008 SC 907), the Hon'ble Supreme Court categorically held that where the grievance relates to refusal by the police to register a First Information Report (FIR), the appropriate remedy is not to invoke the writ jurisdiction of the High Court. Instead, the Code of Criminal Procedure, 1973 ("Cr.P.C.") provides an adequate and efficacious mechanism to address such grievances. The Court emphasized that recourse must be had to the statutory remedies under the Cr.P.C. before seeking intervention under Article 226.

7. This principle has been consistently reaffirmed in later decisions. Most notably, in *M. Subramaniam v. S. Janaki & Others* (AIR 2020 SC 387), a three-Judge Bench of the Hon'ble Supreme Court reiterated that the proper course for an aggrieved party, in the event of police inaction, is to avail remedies provided under the Cr.P.C., including filing an application under Section 156(3) Cr.P.C. for a direction to the police to register an FIR, or initiating proceedings under Section 200 Cr.P.C. by way of a private complaint. The Court clarified that bypassing these remedies and directly invoking the writ jurisdiction is impermissible, save in exceptional circumstances.

8. In light of these authoritative pronouncements, and in the absence of any such exceptional circumstances in the present case, this Court finds that the relief sought by the petitioners under Article 226 cannot be entertained. However the petitioners are at liberty to pursue the available statutory remedies, in accordance with law should his grievance still persist. Accordingly, this writ petition is dismissed as not maintainable. There shall be no order as to costs.

Miscellaneous Petitions, pending if any, shall stand closed.

SD/ A. SREENIVASA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI G.YELLAM GOUD, Advocate. [OPUC]
2. One CC to SRI N.BHUJANGA RAO, Deputy/Additional Solicitor General of India, High Court for the State of Telangana at Hyderabad. [OPUC]
3. Two CCs to GP FOR HOME, High Court for the State of Telangana at Hyderabad. [OUT]
4. Two CD Copies.

BSK

PVL

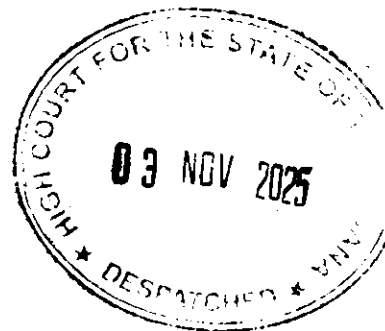
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HIGH COURT

DATED:24/10/2025

ORDER

WP.No.31944 of 2025



DISMISSING THE WRIT PETITION
WITHOUT COSTS

(7)

kpl
3/11/25