

**IN THE 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: 31971 OF 2025

Between:

Puli Ashok Kumar, S/o. Venkatesham, Aged about 56 years, Occ: Practicing Advocate, R/o. Nadividi Manthani and C/o. Advocates Association, Court Building Complex, Manthani, Peddapalli District, Telangana State.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Home Department, Secretariat, Hyderabad.
2. The Commissioner of Police, Ramagundam Police Commissionerate, Ramagundam, Peddapalli District.
3. The Assistant Commissioner of Police, Godavarikhani Division, Ramgundam Police Commisisonerate, Godavarikhani., Peddapalli District.
4. The Station House Officer, Police Station Manthani, Peddapalli District.
5. Smt. Thota Malleshwari, W/o. Rajalingu, Aged about 55 years, Occ: Housewife, R/o. H.No.5-108/A, Main Road, Manthani, Manthani Mandal, Peddapalli 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 a Writ, Order or Direction, more particularly, one in the nature of Writ of Mandamus, declaring the action of the Respondent No. 2 and 4 in not registering the crime against the 5th respondent on my complaint dated 03-06-2025 and 31-05-2025, respectively, for illegal mutation of 5th respondent by fabrication of documents, in respect of the land admeasuring to an extent of Ac.0-21 Gts., in Sy.No.898,situated at Manthani Village Shivar, Manthani Mandal, Peddapalli District, as illegal, arbitrary, unconstitutional and against the principles

of natural justice, and consequently direct the Respondent No.4 to register the FIR against the 5th respondent, in the interest of justice.

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 Respondent No.4 to register the FIR against the 5th respondent, for fabrication of documents, in respect of the land admeasuring to an extent of Ac.0-21 Gts., in Sy.No.898, situated at Manthani Village Shivar, Manthani Mandal, Peddapalli District, pending disposal of Writ Petition.

Counsel for the Petitioner: SRI THIMMARAJU RAMCHANDHER RAO

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

Counsel for the Respondent No.5: - - -

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

WRIT PETITION No. 31971 OF 2025

ORDER:

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

"...to issue a Writ, Order or Direction, more particularly, one in the nature of Writ of Mandamus, declaring the action of the Respondent Nos. 2 and 4 in not registering the crime against the 5th respondent on the complaints of the petitioner dated 03-06-2025 and 31-05-2025, respectively, for illegal mutation of 5th respondent by fabrication of documents, in respect of the land admeasuring to an extent of Ac.0-21 Gts., in Sy. No. 898, situated at Manthani Village Shivar, Manthani Mandal, Peddapalli District, as illegal, arbitrary, unconstitutional and against the principles of natural justice, and consequently direct the Respondent No. 4 to register the FIR against the 5th respondent, in the interest of justice and to pass such other order or orders..."

2. Heard Mr. Thimmaraju Ramchander Rao, 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 petitioner submits that this petition has been filed challenging the inaction of the respondent police authorities in registering a crime against the 5th respondent based on the petitioner's representations dated 03.06.2025 and 31.05.2025.

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 substance, is that despite having submitted written complaints dated 03.06.2025 and 31.05.2025, the concerned Police authorities failed to register a case. Aggrieved by such inaction, the petitioner has invoked the writ jurisdiction of this Court under Article 226 of the Constitution of India, seeking a writ of mandamus directing the police authorities to register a crime.

7. The legal position governing matters of this nature 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 when the grievance pertains to the refusal of the police to register a First Information Report (FIR), the remedy of approaching the High Court under Article 226 is ordinarily not available. The Court emphasized that the Code of Criminal Procedure, 1973 ("Cr.P.C.") (now *Bharatiya Nagarik Suraksha Sanhita, 2023*) provides an adequate and efficacious statutory framework to address such grievances.

8. This principle has been consistently reaffirmed in subsequent judicial pronouncements. Most notably, in *M. Subramaniam v. S. Janaki & Others* (AIR 2020 SC 387), a Three-Judge Bench of the Hon'ble Supreme Court clarified that the proper course for an aggrieved party is to avail the remedies provided under the Cr.P.C., including approaching the Magistrate under Sections 156(3) or 200 Cr.P.C., rather than directly invoking the writ jurisdiction of the High Court.

9. In light of these settled legal principles, and in the absence of any exceptional or extraordinary circumstances, that would warrant intervention by this Court under Article 226, the relief sought by the petitioner cannot be entertained. However, the petitioner is at liberty to avail appropriate remedies available under the provisions of the Cr.P.C. (or the corresponding provisions under the *Bharatiya Nagarik Suraksha Sanhita*, 2023), if the cause of action still survives.

10. Accordingly, the Writ Petition is dismissed as not maintainable. There shall be no order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

SD/- K.BHAVANI SWAMY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI THIMMARAJU RAMCHANDRA RAO, Advocate [OPUC]
2. Two CCs to GP FOR HOME, High Court for the State of Telangana at Hyderabad . [OUT]
3. Two CD Copies

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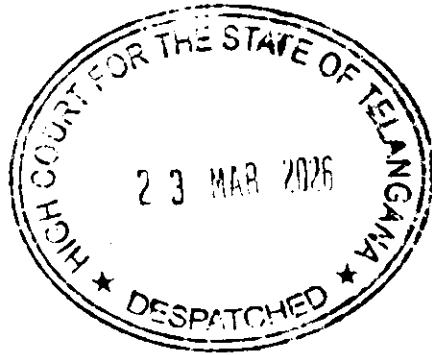
TKS

HIGH COURT

DATED:24/10/2025

ORDER

WP.No.31971 of 2025



DISMISSING THE WRIT PETITION
WITHOUT COSTS

⑥ copies

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