



2025:TSHC:58843

[3217]

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

**MONDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

WRIT PETITION NO: 41121 OF 2017

Between:

K. Sukeshini Rani, W/o Karunakar, aged about 52 years, Occ Doctor, R/o.
13-1-201/D, Moti nagar, Hyderabad.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Home Department, Secretariat, Hyderabad.
2. The Commissioner of Police, Hyderabad City Basheerbagh, Hyderabad.
3. The Station House Officer, Police Station Sanjeev Reddy Nagar, At Sanjeev Reddy Nagar, Hyderabad.
4. S. Venkatesh, S/o S. Narsing Rao Aged about 43 years, Occ Business, R/o H.No. 3-6-207/A 8v B, St. No.16 Himayatnagar, Hyderabad.

...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 pass an order or orders one in the nature of WRIT OF MANDAMUS declaring the action of the respondent No.3 for not considering the complaint made by the petitioner dated- 01-11-2017 against the illegal action made by the respondent No.4 and declare the action of the respondent as a illegal, arbitrary, against the law and violation of Article 19 and 21 of the Constitution of Indian



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I.A. NO: 1 OF 2017(WPMP. NO: 51043 OF 2017)

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 to considered the complaint dated: 01-11-2017 made by the petitioner and book the respondent No.3 in accordance with the law and arrest the respondent No.3 and made proper investigation in this regard, pending disposal of the writ petition

Counsel for the Petitioner: SRI. SURESH SHIV SAGAR

Counsel for the Respondent Nos. 1to3: SRI D. PRADEEP, AGP FOR HOME

Counsel for the Respondent No.4:--

The Court made the following: ORDER



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IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

WRIT PETITION No. 41121 OF 2017

DATE: 01.12.2025

Between :

K. Sukeshini Rani

... Petitioner

AND

The State of Telangana, Represented by its Principal
Secretary, Home Department, Secretariat, Hyderabad,
and three others.

... Respondents.

ORDER:

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

*"...to pass an order or orders one in the nature of WRIT OF
MANDAMUS declaring the action of the respondent No. 3 for not
considering the complaint made by the petitioner dated 01-11-2017
against the illegal action made by the respondent No. 4 and
declare the action of the respondent as illegal, arbitrary against the
law and violation of Articles 19 and 21 of the Constitution of India
and to pass such other order or orders..."*

2. None appeared on behalf of the petitioner.



3. Mr. D. Pradeep, learned Assistant Government Pleader for Home, appearing for respondent Nos. 1 to 3, submits that the relief sought in the present writ petition, namely, a direction to the police authorities to register 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.

4. I have perused the material placed on record.

5. The grievance of the petitioner, in essence, is that despite having submitted a written complaint dated 01.11.2017, the concerned police authorities failed to register a criminal case. The issue raised herein stands settled by the Hon'ble Supreme Court in *Sakiri Vasu v. State of U.P. & Others*, AIR 2008 SC 907, and *M. Subramaniam v. S. Janaki & Others*, AIR 2020 SC 387, wherein it has been categorically held that a person aggrieved by the non-registration of an FIR cannot directly invoke the writ jurisdiction of the High Court under Article 226 of the Constitution without first exhausting the statutory remedies provided under the *Code of Criminal Procedure, 1973* ("Cr.P.C.") or the *Bharatiya Nagarik Suraksha Sanhita, 2023* ("BNSS").

6. In view of the settled legal position, and in the absence of any exceptional circumstances warranting interference by this Court under Article 226 of the Constitution, this Court is of the considered opinion that



the relief sought by the petitioner seeking a direction to the police authorities to register a criminal case is not maintainable in writ jurisdiction. However, it is clarified that the petitioner shall be at liberty to avail appropriate statutory remedies before the competent authority or Court, including by submitting a fresh complaint, if the cause of action continues to subsist.

7. With the above direction, this writ petition is disposed of. There shall be no order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

//TRUE COPY//

SD/-M.OSMAN ALI BAIG
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. The Principal Secretary, Home Department, Secretariat, Hyderabad.
2. The Commissioner of Police, Hyderabad City Basheerbagh, Hyderabad.
3. The Station House Officer, Police Station Sanjeev Reddy Nagar, At Sanjeev Reddy Nagar, Hyderabad.
4. One CC to SRI. SURESH SHIV SAGAR, Advocate [OPUC]
5. Two CCs to GP FOR HOME, High Court for the State of Telangana at Hyderabad [OUT]
6. Two CD Copies

BM
SA

Jks



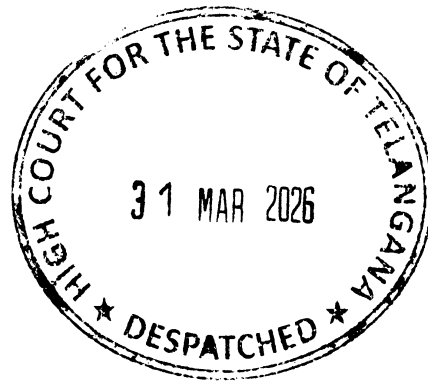
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HIGH COURT

DATED:01/12/2025

ORDER

WP.No.41121 of 2017



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

(9) - JKS
12/3/26