

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

TUESDAY, THE TWENTY SIXTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE N.V. SHRAVAN KUMAR

WRIT PETITION NO: 25182 OF 2025

Between:

Sri M. Kiran Kumar, S/o M. Siddaiah, Aged about 29 years, Occ: Real Estate Business, R/o 2-84, Indiranagar Colony, Ootpally, Shamshabad - 509325, Ranga Reddy District, Telangana.

...PETITIONER

AND

1. The State of Telangana, Rep. by Principal Secretary, Home Department Dr. B.R. Ambedkar Secretariat, Hyderabad.
2. The Commissioner of Police, Cyberabad Police Commissionerate, GachiBowli, Hyderabad.
3. The Station House Officer, Shamshabad Police Station, Shamshabad.

...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 in the nature of Writ of Mandamus declaring the inaction of the respondent No.3 in not registering the FIR based on the complaint dated 28/06/2025 and investigate the offences under Sections 328, 316(2), 303(2), 142, 131, 126(2), 165, 356, 351(2) r/w 61(2) of the BNS Act, 2023 as arbitrary, illegal and in violation of Articles 14 and 21 of the Constitution of India and consequently direct the respondent No.3 to file a report under Section 175(3) of BNSS.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased

to direct the respondent No.3 to register the FIR based on the private complaint vide S.R.No.2576 of 2025 dated 03-07-2025 filed before the Learned Principal Junior Civil Judge-cum-XI Additional Judicial Magistrate of First Class, Rajendranagar, Ranga Reddy District, pending disposal of the writ petition.

Counsel for the Petitioner: Mrs. ANJUM YASEEN

Counsel for the Respondents: ASST. GP FOR HOME

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE N.V.SHRAVAN KUMAR

Writ Petition No.25182 of 2025

ORDER:

The present writ petition is filed to declare the action of respondent No.3 in not registering the FIR based on the complaint dated 28.06.2025 for the offence under section 328, 316(2), 303(2), 142, 131, 126(2), 165, 356, 351(2) read with 61(2) of BNS as arbitrary, illegal and violation of Articles 14 and 21 of constitution of India.

2. The facts of the case in brief as stated are that, the petitioner got married to accused No.4-Smt.Sireesha on 25.05.2022 in an arranged marriage performed under the Hindu rites and customs. The parents of Smt.Sireesha started interfering in their matrimonial life and that on 09.06.2023, her parents has forcibly taken her away from the matrimonial home on the pretext of medical reasons. Thereafter, the petitioner's wife did not return to the matrimonial home. However, on 21.06.2023, petitioner's wife expressed her willingness to rejoin the petitioner but cited fear from her family members. On 15.11.2023, petitioner's wife filed complaint under section 498-A IPC

and section 3 of the Dowry Prohibition Act (FIR No.119 of 2023) and later a Domestic Violence Case was also filed against the petitioner on 10.10.2024 before the III Additional Metropolitan Magistrate, Malkajgiri

3. On 09.07.2024, petitioner visited his wife's parental home to bring her back, where he was assaulted by his in-laws. Though, his wife returned temporarily to the petitioner's home, again left the house without petitioner's knowledge and several valuable articles including gold, silver and uncounted cash were found missing. Thereafter, petitioner filed a petition under Section 9 of the Hindu Marriage Act, 1955 seeking restitution of conjugal rights which resulted in a decree dated 07.01.2024. The petitioner thereafter filed a complaint on 28.06.2025 narrating the full sequence of events and requested to register the FIR. However, till date, FIR has not been registered nor any investigation initiated.

4. The petitioner also filed a private complaint before XI Additional Judicial Magistrate of First Class, Rajendranagar on 03.07.2023 where the learned

Magistrate recorded the sworn statement of the complainant and posted the matter on 20.08.2025 for further hearing, but no order was passed and adjourned to 09.09.2025, causing further delay. Aggrieved by the same, the present Writ Petition is filed.

5. The Sub-Inspector of Police, Shamshabad Police Station has placed instructions through the learned Assistant Government Pleader for Home and submits that as per the station records, respondent No.3 has received petitioner's complaint on 28.06.2025 through the office of Deputy Commissioner of Police, Shamshabad Zone vide No.202/DCP-SZ/C5/Pet/Cyb/2025, dated 05.07.2025 for enquiry and necessary action. The petitioner's wife has made a complaint and thereby three criminal cases were registered against the petitioner in Cr.No.119 of 2023 dated 15.11.2023 under section 498-A IPC and section 3 of Dowry Prohibition Act, Cr.No.25/2025 dated 06.01.2025 under section 351(2) of BNS and Domestic Violence Case on 10.10.2024 before III Additional Metropolitan Magistrate Court, Malkajgiri and the petitioner also filed suit for restitution of conjugal rights on 23.07.2024 before the

learned Additional Family Court, Ranga Reddy District. Respondent No.3 conducted enquiry wherein, it is revealed that there is a matrimonial dispute between the petitioner and his wife and in this connection, criminal cases have also been registered against the petitioner and also the petitioner filed a suit for restitution of conjugal rights. In view of the matrimonial dispute, after conducting enquiry, the representation of the petitioner was closed on 23.08.2025 and suggested the petitioner to approach the concerned Court for pursuing appropriate remedies.

6. Heard Mrs.Anjum Yaseen, learned counsel for the petitioner and learned Assistant Government Pleader for Home appearing for respondents.

7. Taking into consideration the set of facts and circumstances of the case, and in view of the fact that there is no progress in the pending suit filed for restitution of conjugal rights and learned counsel for the petitioner, during the course of his submissions did not substantiate as to how this writ petition is maintainable, when the petitioner has already filed a private complaint which is

pending before the XI Additional Judicial Magistrate of First Class, Rajendranagar and since the petitioner has already filed a complaint, which is sub-judice before the XI Additional Judicial Magistrate of First Class, Ranejndranagar and that the representation of petitioner has already been enquired and closed by respondent No.3, this Court do not find any reason to entertain the present Writ Petition.

8. This writ petition is devoid of merits, fails and accordingly dismissed.

Miscellaneous petitions, pending, if any, shall stand closed. However, there shall be no order as to cost.

SD/- L. VIJAYA LAXMI
ASSISTANT REGISTRAR

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SECTION OFFICER

To,

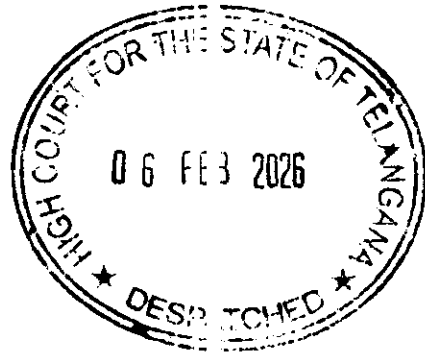
1. One CC to Mrs. ANJUM YASEEN, Advocate [OPUC]
 2. Two CCs to GP FOR HOME, High Court for the State of Telangana. [OUT]
 3. Two CD Copies
- BN
GJP

HIGH COURT

DATED:26/08/2025

ORDER

WP.No.25182 of 2025



**DISMISSING THE WRIT PETITION
WITHOUT COSTS**

⑥
MT
31/1/28