

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

WRIT PETITION NO.35198 OF 2015

DATED 18th NOVEMBER, 2015

Between:

R.Nemichand Katri

.. Petitioner

and

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

.. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION NO.35198 OF 2015

ORDER

Though Sri Avinash Karankoti, learned counsel for the petitioner, seeks leave to withdraw this writ petition, this Court is not inclined to permit him to do so as the facts brought out by the learned Assistant Government Pleader for Home indicate a clear abuse of process by the petitioner herein.

This writ petition was filed with the following prayer:

‘For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to call for the records in FIRs.No.438 of 2015, 443 of 2015, 446 of 2015 and 447 of 2015 on the file of the Station House Officer, Afzalgunj Police Station, Hyderabad District, which was registered for an offences under Section 295A, 298, 327, 426, 427, 447, 448, 504 and 505 IPC and quash the same by issuing a writ of Mandamus or any appropriate writ order or orders as the same is illegal, and abuse of process of law and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstance of the case.’

By way of an interlocutory petition, the petitioner sought stay of all further proceedings including his arrest in the various crimes registered on the file of the Afzalgunj Police Station, Hyderabad.

However, in the affidavit filed in support of the writ petition, the petitioner did not disclose the fact that applications were filed under Section 438 Cr.P.C. for anticipatory bail in relation to the various crimes registered against him, and that the said bail applications were dismissed. This suppression of facts indicates a clear lack of *bonafides* on the part of the petitioner.

Though Sri Avinash Karankoti, learned counsel, would submit that these applications were not made by the petitioner himself, the bail petitions indicate they were filed in his name and it is not believable that these petitions were filed on behalf of the petitioner without his knowledge and instructions. This Court is therefore of the opinion that the petitioner has invoked its jurisdiction with unclean hands.

The writ petition is a clear abuse of process of this Court and is accordingly dismissed. Pending miscellaneous petitions shall stand dismissed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

18th NOVEMBER, 2015

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