

HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No. 32724 OF 2015

DATED 7th OCTOBER, 2015

BETWEEN

Sunkari Shankar

....Petitioner

And

State of Telangana

Rep. by its Principal Secretary,

Home Department, Secretariat,

Hyderabad and ors.

HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No. 32724 OF 2015

ORDER:

This Writ Petition under Article 226 of the Constitution of India is filed for the following relief.

“.....to issue a Writ, order or direction more particularly one

in the nature of mandamus declaring the registration of FIR No. 354 of 2015 of Ghatkesar Police Station, Cyberabad against the petitioner as illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India and consequently set aside the same against the petitioner and pass such other order or orders as this Honourble Court may deem fit and proper in the circumstances of the case.”

Heard Sri Narasimhulu Parise, learned Counsel appearing for the petitioner and learned Government Pleader for home appearing for Respondents 1 and 2.

The second respondent, Station House Officer, Police Station, Ghatkesar registered a case against the petitioner in Crime No. 354 of 2015 for the alleged offences punishable under Sections 15 & 15(3) of the Indian Medical Council Act and Sections 20 & 22 of A.P. Medical Practitioners (Regulation) Act. The petitioner herein was arrayed as Accuse No.2 in the aforesaid crime. According to the learned Counsel for the petitioner, registration of the said crime against the petitioner is totally abuse of process of law, that the petitioner is innocent and that he was falsely implicated in the said crime. He further submits that even if the allegations levelled against the petitioner are taken in entirety, they do not constitute any offence much less the offences as alleged.

On the other hand, it is submitted by the learned Government Pleader that in view of the existence of *prima facie* allegations against the petitioner in the FIR, jurisdiction of this Court cannot be invoked for quashing the said FIR.

It is a well settled proposition of law that jurisdiction of this Court under Article 226 of the Constitution of India is required to be exercised very sparingly and the jurisdiction of this Court while dealing with the cases for quashment of FIRs/criminal proceedings. In the instant case, since there are *prima facie* allegations against the petitioner herein in the FIR, this Court is not inclined to entertain the Writ Petition for quashment of the FIR registered

against the petitioner.

In the result, the Writ Petition is dismissed. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE A.V.SESHA SAI

DATED 7th October, 2015.

Msnr_x