

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

THURSDAY THE TWENTYSEVENTH DAY OF AUGUST
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 25912 OF 2015

Between:

K. Veeranagi Reddy ... Petitioner

V/s.

The State of Telangana,
Rep. by its Prl. Secretary
Home Department,
Secretariat, Hyderabad & Ors. ... Respondents

Counsel for the Petitioner: Sri Venkateswara Varanasi

Counsel for the Respondents: GP for Home [TG]

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SETHA SAI

WRIT PETITION NO. 25912 OF 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief :

“To declare the action of the third respondent in registering FIR No. 54 of 2015 against the petitioner as illegal, arbitrary and contrary to violation of Article 14, 19 and 21 of the Constitution of India and consequently to quash the FIR in Crime No. 54 of 2015 dated 15/7/2015 on the file of Arvapalli Police Station, Nalgonda district against the petitioner/A-2 and to pass such other suitable orders as this court may deem fit and proper in the circumstances of the case.”

2. In the present writ petition, the petitioner is seeking quashment of FIR No. 54 of 2015 on the file of third respondent for the alleged offence under section 420 IPC read with section 34 of IPC and section 7 of Essential Commodities Act.

3. Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

4. According to the learned counsel for the petitioner the prosecution against the petitioner is nothing but a patent abuse of process of law and there are absolutely no ingredients of the above provisions of law as alleged in the report by the

prosecution.

5. It is further submitted by the learned counsel for the petitioner that the petitioner is innocent man and is only a rice miller and has nothing to do with the offence alleged against him.

6. On the contrary, it is submitted by the learned Government Pleader that in view of existence of prima facie allegations against the petitioner herein, the jurisdiction of this Court under Article 226 of the Constitution of India cannot be permitted to be invoked for quashment of the crime.

7. A perusal of the FIR shows the existence of prima facie allegations against the petitioner herein and the same cannot be enquired into under Article 226 of the Constitution of India. It is a settled and well-established principle of law that the jurisdiction of this court under Article 226 of the Constitution of India is required to be exercised very sparingly in the matters of quashment of FIR.

8. In view of the same, this Court is not inclined to entertain the request of the petitioner herein for quashment of the FIR. It is also the submission of the learned counsel for the petitioner that the respondent police authorities seized the vehicle belonging to the petitioner herein. During the course of hearing the learned

Government Pleader placed on record the written instructions dated 21-8-2015 furnished by the Sub-Inspector of Police, Arvapally Police Station, Nalgonda district and the said written instructions reads as under:

“It is respectfully submitted that on 15/7/2015 the respondent police while conducting vehicle check seized two vehicles bearing No.AP-24 TC-5322 and AP-24 TB 6253 before the mediators which were transporting the rice bags illegally without any valid documents. Hence, the respondent police served the 41-A Cr.P.C. notice to the drivers of the above said vehicles and owners of the rice mill and another one who purchased the rice from them.

It is submitted that after seizure of the vehicles bearing No. AP-24 TC 5322 and AP-24TB-6253 the respondent police produced the above said vehicles before the Judicial Magistrate of First Class for further action on 17-7-2015 and during the course of investigation the same were taken back from the Judicial Magistrate of First Class and they produced before the District Collector on 4-8-2015 with a request to take custody of vehicles and the orders were awaited from the District Collector.

It is further submitted the respondent police is not a concerned to release the vehicle. It is also submitted that now the case is pending enquiry before the Collector.

9. On noticing the said written instructions, the learned counsel for petitioner requested this court to permit the petitioner to make necessary application for release of the vehicle.

10. In view of the above submission, the writ petition

stands disposed of, permitting the petitioner herein to make necessary application for release of the vehicle in accordance with law. If any such application is filed, the same may be considered according to relevant provisions of law.

11. The writ petition is disposed of. No costs.

12. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE A.V.SESHA SAI

27/08/2015
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HONOURABLE SRI JUSTICE A.V. SETHA SAI

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WRIT PETITION NO. 25912 OF 2015

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