

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

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For the State of Telangana and the State of Andhra Pradesh

MAIN CASE NO: W.P.No.22609 OF 2015

Between:

B.Raja Sekhar and another

.. Petitioner (s)

And

The State of Telangana and others

.. Respondent(s)

DATE OF JUDGMENT PRONOUNCED: 06.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

1. Whether Reporters of Local news papers Yes/No

may be allowed to see the Judgments?

2. Whether the copies of judgment may be Yes/No

marked to Law Reporters/Journals

3. Whether Their Ladyship/Lordship wish to Yes/No

see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.NO.22609 OF 2015

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ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to quash Crime No.426 of 2015 on the file of the Station House Officer, Panjaguta Police Station, Hyderabad District.

The petitioner No.1 and 3rd respondent are brothers. The 3rd respondent herein filed a private complaint under Section 200 of Cr.P.C. on the file of Court of the IV Additional Chief Metropolitan Magistrate, City Criminal Courts, Hyderabad. The learned Magistrate referred the said matter under Section 156(3) Cr.P.C to the Police,

Panjagutta, who registered the same as FIR No.426 of 2015 for the alleged offences under Sections 403, 406, 417, 420, 427 and 120-B IPC.

According to the petitioners herein, the allegations made in the complaint do not disclose the commission of any offence and even if they are taken on their face value and accepted in entirety, the same, *prima facie*, do not constitute any offence against the petitioners. It is the further case of the petitioners that it is highly unfair to compel the petitioners to undergo the rigour of criminal trial, in the absence of necessary ingredients of the offences alleged. It is also the case of the petitioners herein that the complaint made by the 3rd respondent is malafide, capricious and fictitious one and is an abuse of process of law.

It is contended by the learned counsel for the unofficial respondent and learned Government Pleader, appearing for respondents 1 and 2 that there are *prima facie* allegations against the petitioners herein and elaborate enquiry is impermissible on the allegations, in exercise of powers under Article 226 of the Constitution of India.

It is a settled and well established preposition of law that the jurisdiction of this Court under Article 226 of the Constitution of India for quashing of crimes is required to be exercised very sparingly. A perusal of the complaint filed by the 3rd respondent manifestly discloses that there are *prima facie* allegations against the petitioners herein and the same cannot be enquired into by this Court, at this stage, under Article 226 of the Constitution of India.

In view of the said reasons, this Court is neither persuaded nor inclined to entertain the present writ petition. It is also brought to the notice of this Court that the petitioners herein filed Criminal M.P.No.2005 of 2015 on the file of the Court of VII Metropolitan Sessions Judge, Hyderabad for anticipatory bail and the said Court, by way of order dated 15.07.2015, dismissed the said application.

For the aforesaid reasons and having regard to the nature of controversy, the writ petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

A.V.SESHA SAI, J

06.08.2015

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HON'BLE SRI JUSTICE A.V.SESHA SAI

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