

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44909 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to declare the action of the 4th respondent-Station House Officer, RPS Nizamabad, in registering F.I.R.No.182 of 2016 against the petitioner for the offences punishable under Sections 353 and 290 IPC, as arbitrary and illegal and consequently, to set aside the same.

2. Heard and perused the material available on record.

3. Case of the petitioner is that he boarded Ajantha Express Train at Nizamabad on 09.11.2016 in order to go to Muthkhade Railway Station from Nizamabad. On that day, the 5th respondent, who is RPF Constable was on patrolling duty, found the petitioner along with others standing near the door and when he questioned about the reservation particulars, they obstructed his official duties. Basing on the same, 5th respondent lodged a complaint against the petitioner before the 4th respondent police station, which registered in Crime No.182 of 2016. As a counter-blast, the petitioner lodged a complaint against the 5th respondent before the 4th respondent police station, which was registered in Crime No.181 of 2016.

4. Learned counsel for the petitioner would submit that the petitioner is innocent of the offences alleged against him and that the petitioner never obstructed the official duties of the 5th respondent and hence, he prays to set aside Crime No.182 of 2016.

5. Learned Assistant Government Pleader for Home submitted that on the basis of the present complaint, a case was registered against the petitioner and respondent No.4 is investigating the matter in accordance with law.

6. Considering the facts and circumstances of the case and the grievance of the petitioner and in view of the fact that the petitioner is ready to cooperate with the investigation, without expressing any opinion on merits, respondent No.4 is hereby directed to complete the investigation in crime No.182 of 2016 and file a final report, in accordance with law in either way, without arresting the petitioner. The petitioner is directed to appear before respondent No.4 and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum for his appearance as and when required for the purpose of investigation.

7. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

8. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

22.12.2016
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Date: 22.10.2016

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