

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.35497 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed by the petitioner to declare the action of the 3rd respondent – Station House Officer, Banjara Hills Police Station, Hyderabad, in registering FIR No.592 of 2016 against the petitioner for the offences under Sections 147, 353, 448 and 427 r/w.149 IPC, as arbitrary and illegal, and consequently, quash the same.

The case in brief is that on receiving information that a floor at Film Chamber building, which is under construction, at Film Nagar, was collapsed and some persons were injured, the Sub-Inspector of Police, Banjara Hills Police Station, rushed to the spot along with his staff and while performing duty, the petitioner along with his followers came there, and when the police obstructed them, when they tried to enter into the said building, the followers of the petitioners pushed the police personnel and abused them, and forcibly entered into the building and damaged the glasses of the doors and furniture etc. Therefore, the 3rd respondent registered the above case.

Learned counsel for the petitioner submitted that the petitioner is a Member of Legislative Assembly of Khairatabad Constituency and that on coming to know that the portico of the Film Nagar Cultural Club, which was constructed without any permission, was collapsed, he along with his followers rushed to the spot with an intention to console the injured persons and also to rescue the victims, the present case is registered with false allegations, and that the petitioner is ready to cooperate with the investigation.

Learned Assistant Government Pleader for Home submitted that basing on the said complaint, the present crime was registered and that the 3rd respondent is investigating into the matter in accordance with law.

Considering the facts and circumstances of the case, without expressing any opinion on merits, this Court is inclined to pass the following order:

The 3rd respondent is directed to complete the investigation in Crime No.592 of 2016 of Banjara Hills Police Station, Hyderabad, and file a final report in accordance with law in either way, without arresting the petitioner. The petitioner is also directed to appear before the investigating officer as and when required, and cooperate with the investigation.

With the above directions, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

October 21, 2016.
KTL

