

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.45099 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to declare the proceedings in FIR No.3407 of 2016, on the file of the 3rd respondent, as illegal and arbitrary and consequently set aside the FIR No.3407 of 2015.

Heard and perused the material available on record.

The case of the petitioner is that the petitioner is running a Hotel by name Spice Bawarchi Hotel at Shop No.18-12-418/D3/A, Hafeez Baba Nagar, Hyderabad. The petitioner took out the said premises on lease from one Suyed Rafeeq and there are some disputes pending between the petitioner and the owner of the premises in connection with the eviction of the petitioner from the premises. The present complaint is lodged by the owner of the premises to the 3rd respondent alleging that the petitioner is taking power connection directly from the Electric pole and the 3rd respondent came to the premises of hotel and inspected that the petitioner is using the electricity by direct tapping without connecting the meter. Basing on the said complaint, the 3rd respondent registered a case in FIR No.3407 of 2016, dated 23.11.2016, for the offence under Section 135 of the Electricity Act, 2003

The main grievance of the petitioner is that the 3rd respondent, having pressurized by the building owner, falsely foisted a case against the petitioner and that the 3rd respondent is trying to arrest the petitioner.

Considering the said facts and circumstances, the 3rd respondent is directed to complete the investigation in FIR No.3407 of 2016, as expeditiously as possible and file a final report, if any, either way in accordance with law, without arresting the petitioner. The petitioner is directed to execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum to the satisfaction of the Investigation Officer concerned as surety for his future appearance for the purpose of investigation.

Accordingly, the Writ Petition is disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO, J

Date: 26th December, 2016

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