

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION NO. 727 OF 2017

ORDER:

Challenging the action of third respondent-Station House Officer, Police Station, Nallapadu, Guntur District in registering FIR No. 567 of 2016, dated 12.12.2016 against the petitioner at the instance of fourth respondent, the present Writ Petition is filed.

As stated by the learned Government Pleader, it is a case of sale of noxious chilli powder. Basing on the complaint lodged by the fifth respondent, the fourth respondent registered a case in Crime No. 567 of 2016 against the petitioner and six other traders. During the course of investigation, the Investigating Officer examined five witnesses and recorded their statements. Accused Nos. 4 and 5 were arrested and basing on their confessional statements, five more accused were added to the aforesaid crime on 17.12.2016. The further investigation is in progress.

In the above circumstances, it cannot be said that registration of crime against the petitioner and others cannot be said to be bad in law. However, it is needless to observe that the respondents-police shall follow due process of law while investigating the crime including invocation of Section 41-A of Criminal Procedure Code. If the petitioner is having any grievance with regard to registration of crime or subsequent investigation, it is always open to him to take out appropriate criminal proceedings in

accordance with law. This Court in exercise of jurisdiction under Article 226 of the Constitution of India cannot interdict the investigation and examine the points raised by the learned Counsel for the petitioner in the present case.

In view of the above, the Writ Petition stands disposed of. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

DATE: 12.04.2017

KA

A. RAMALINGESWARA RAO, J

