

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1903 OF 2017

ORDER:

The present petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C.') requesting to quash the First Information Report in Crime No.347 of 2016 of Santoshnagar Police Station, Hyderabad City, by the 3rd accused. There are three more accused, who are the brothers of the petitioner, who are arraigned as A.1, 2 and 4.

2. Sri K. Harish Kumar, learned counsel for the petitioner, has tendered elaborate arguments and has also filed the Photostat copy of the judgment in C.C.C.A.No.148 of 1979 to show that the said appeal preferred by the A.P.Wakf Board, represented by its Secretary, against one Zahoor Ahmed and Smt. Sagheer Fatima, who are the parents of the petitioner, and the said appeal was dismissed for non compliance of a condition imposed by the Division Bench of this Court, by order dated 02.12.1980. This apart, the petitioner has also filed the order in W.P.No.812 of 2017, which is filed by A.1 A.2 and A.4, seeking the following relief:

“WHEREAS the Petitioners above named through their Advocate SRI.K.HARISH KUMAR presented this writ petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed here in the High Court may be pleased to an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus,

declaring the action of the 5th respondent in registering the case in Crime in F.I.R.No.347/2016 offence Under Section 52-A of Wakq Act – 1995, dated 29.12.2016 against the petitioners as being illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India and in violation of the provisions of the Code of Criminal Procedure Code 1973 and consequently Quash the Crime in F.I.R.No.347/2016 offence Under Section 52-A of Wakq Act – 1995, dated 29.12.2016 pending on the file of 5th respondent Police Station against the petitioners.”

3. In the aforesaid Writ Petition, this Court passed an order dated 15.01.2017, directing the respondents-police concerned to proceed with the investigation without arresting the petitioners.

4. Certainly, this Court, in the present petition, cannot stall the proceedings by quashing the investigation as requested by the petitioner.

5. Accordingly, the criminal petition is dismissed at the admission stage itself.

6. As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand closed.

A. SHANKAR NARAYANA, J

March 9, 2017.

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