

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION NO.26235 OF 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, questioning the proceedings against this petitioner in Crime No 503 of 2015 on the file of P S Chaitanyapuri Cyberabad, as illegal arbitrary and violation of principles of natural justice consequently set-aside the same.

It is alleged that, on 08.08.2015 at about 02:15 p.m, one Mrs. Indira belonging to Green Hills Colony, along with one political leader Giri came to the police station and discussed about Mrs. Indira's case. In the meanwhile, one Giri entered into the police station while saying that he is a powerful political leader having influence and that, they are enjoying the posts and threatened to see their end. He also declared himself as crime reporter and threatened to telecast the live program of the police and picked up quarrel with them while they were discharging their duties, thereby obstructed and deterred the police from discharging their duties, though the said Giri is no way concerned with the case of Mrs. Indira.

On the strength of the complaint, Crime No 503 of 2015 on the file of P S Chaitanyapuri Cyberabad was registered and issued F.I.R.

The present petition is filed on the ground that the petitioner is no way concerned to Mrs. Indira's case, but he only accompanied her to the police station for settling the dispute and

that the fourth respondent demanded payment of bribe while insisting to settle all the disputes, including civil case pending on the file of different courts, thereby, foisted a false case against this petitioner, though he is no way concerned with the alleged deterring the defacto complainant and his staff from discharging his duties and there is absolutely nothing pointing out the complicity of this petitioner for the offence punishable under Section 506 IPC. But, for the reasons best known to them, the police lodged report and registered crime and issued F.I.R against the petitioner without any substantive material and prayed to quash the proceedings against this petitioner in Crime No 503 of 2015 on the file of P S Chaitanyapuri Cyberabad.

During hearing, learned counsel for the petitioner reiterated the grounds urged in the petition, while drawing attention of this Court to paragraph no.5 of the writ petition, where a specific allegation is made that the fourth respondent/defacto complainant conducted mediation between Mrs.Indira and one Malleswara Rao, who is the accused in both the crimes and suggested to settle the disputes, as civil cases are pending and the fourth respondent forcefully made Mrs. Indira to enter into the said MOU with the accused and kept the original copy with the accused. All these acts were highhandedly done by the fourth respondent. Basing on these allegations, requested this Court to quash the proceedings against this petitioner in Crime No 503 of 2015 on the file of P S Chaitanyapuri Cyberabad.

Learned Government Pleader for Home for the State of Telangana opposed the petition.

As seen, the scope of jurisdiction of this Court under Article 226 of the Constitution of India is limited and this Court can exercise such power on the allegations made in the complaint where it does not constitute any offence under any of the penal provisions of any Act or where the complaint was lodged as an abuse of process of this Court. Here, in the present complaint, specific allegations were made against this petitioner that he threatened the fourth respondent and his staff with dire consequences, while claiming that he is an influential person in the locality being a news channel reporter and if, the police did not accept to the demands, he threatened to telecast live programme and thereby deterred the police from discharging their official duties in their station. These facts, if accepted on its face value would constitute offences punishable under Sections 353 & 506 IPC.

The only contention raised before this Court is that, the fourth respondent settled the disputes between Mrs. Indira and Malleswara Rao forcibly and obtained signature on MOU keeping the original with the fourth respondent. But, there is no basis for this contention and no piece of paper is produced to substantiate this contention. Of course, a complaint copy in Crime No.394 of 2015 is placed on record, but that would not serve any purpose. When the allegations made in the complaint constitute an offence punishable under Sections 353 & 506 IPC, this Court cannot exercise its discretionary power under Article 226 of the Constitution of India to stifle the legitimate prosecution against this petitioner for the offences punishable under Sections 353 &

506 IPC, as the material on record before the Court is incomplete and hazy and at this stage, this Court cannot exercise such discretionary power to quash the proceedings. However, it is left open to the petitioner to challenge the charge-sheet filed if any, if advised.

In the result, the writ petition is dismissed.

Consequently, miscellaneous applications pending if any, shall also stand dismissed. No costs.

JUSTICE M. SATYANARAYANA MURTHY

Date:19.07.2018

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