

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.16446 OF 2018

ORDER:

This writ petition is filed declaring the action of the respondent Nos.2 to 4 in interfering with the civil matters and implicating the petitioner and his family members as accused in Crime No.151/2017 on the file of Bheemunipatnam Police Station and harassing them under the guise of investigation, as illegal and arbitrary and to drop further action against the petitioner and his family members in Crime No.151/2017.

Earlier petitioner filed Criminal Petition No.9120 of 2017 for quashing of FIR.No.151/2017 dated 17.05.2017 and this Court on 03.10.2017 passed interim order directing the police not to take any coercive steps against the petitioner until further orders. In pursuance of the same i.e. on 19.04.2018 the said petition was withdrawn by the petitioner. The petitioner filed another writ petition No.30333 of 2017 with the same prayer as that of the present writ petition and the same was also dismissed as withdrawn by this Court on 15.09.2017 granting liberty to the petitioner to avail alternate remedy available in law. But the petitioner in the writ affidavit of this writ petition stated that this Court granted liberty in WP.No.30333/2017 to file fresh writ petition, but no such liberty was given to file fresh writ petition. Further there is no mention with regard to filing of criminal petition No.9120/2017 in the writ affidavit.

Since the petitioner filed WP.No.30333/2017 with the same prayer as that of the present writ petition and since no liberty was granted by this Court in the said writ petition to file fresh writ petition while dismissing the same as withdrawn, on the sole ground itself the present writ petition is liable to be dismissed.

Learned Government Pleader for Home basing on the written instructions submits that petitioner is Accused No.8 in Crime No.151/2017 and petitioner's family members are also arrayed as accused in the said crime; and that except the petitioner all accused in the said crime are arrested and investigation is pending and she brought to the notice of the Court about filing of CrI.P.No.9120/2017 and withdrawal of the same.

Learned Counsel for the petitioner tried to argue the matter as if registration of crime against the petitioner itself amounts to harassing of petitioner as the petitioner has no say in the matter. He also states that under the guise of investigation in the said crime petitioner and his family cannot be harassed. He went on arguing the matter on merits.

As already this Court dismissed Criminal Petition No.9120 of 2017 filed by the petitioner for quashing of FIR.No.151/2017 dated 17.05.2017 as withdrawn without granting any liberty to file fresh writ petition, and since the petitioner was shown as Accused No.8 in the above said crime and investigation is in progress. Further, when the learned counsel for the petitioner pointed out as to

whether he is seeking for quashing of FIR.No.151/2017, he replied that he is not seeking the said relief. His argument is only to that the petitioner is not all responsible for the said crime and proceedings have to be dropped.

Learned Government Pleader for Home states that in view of withdrawal of earlier writ petition and also criminal petition and in view of the fact that petitioner and his family members are accused in the said crime, there is no reason for quashing the FIR and that police cannot be faulted for arraying the petitioner as accused and that petitioner is misusing the process of this Court by filing case after case.

In view of the aforesaid facts and circumstances, the writ petition is devoid of merits and frivolous and dismissed with costs of Rs.5,000/- (Rupees five thousand only) payable to the High Court Legal Services Authority. The Legal Services Authority has to take action against the petitioner for recovery of costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

05.07.2018

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