

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.20254 OF 2018

ORDER:

This writ petition is filed challenging the action of the 3rd respondent in making the petitioner/victim as accused under the guise of 5th respondent, under Section 304 A, 337 IPC in FIR No.118/2018, without there being any cause or case; and to direct the 3rd respondent to investigate the matter basing on the report made by the 5th respondent dated 17.04.2018, without there being any deviation under due influence of the 4th respondent.

Learned counsel for the petitioner submits that petitioner is victim in the accident for which Crime No.118/2018 is registered under Section 304A, 337 IPC; that when petitioner himself is a victim of the said accident, question of arraying him as accused in the said crime does not arise; and that petitioner also submitted representation to the Superintendent of Police-2nd respondent stating the above facts. He also submits that there is no role of the petitioner in the said crime and it is arbitrary on the part of respondent police in arraying the petitioner as accused.

On the other hand learned Assistant Government Pleader for Home produced written instructions stating that petitioner is already arrayed as A2 in the said crime on the complaint of the 5th respondent wherein it is stated that the petitioner drove the motor cycle bearing No.AP 05 EP 4378 in a rash and negligent manner and hit by Swift Car bearing No.WB0 2 AA 5929 which was also

coming in a rash and negligent manner driven by A1. He also submits that a notice under Section 41-A Cr.P.C was also issued to the petitioner.

In this case it is to be seen that this Court cannot go into the aforesaid factual aspects about the role of petitioner in the crime, more so, when registering of crime against petitioner not been challenged as per learned counsel for petitioner, by exercising jurisdiction under Article 226 of the Constitution of India. It is for the respondent police to investigate into the crime and book the offenders.

In view of the aforesaid facts and circumstances, no relief can be granted. Since it is stated that the petitioner has made representation to the 2nd respondent, it is for the 2nd respondent to look into that aspect and take appropriate action, in accordance with law.

Accordingly the writ petition is disposed of. No order as to 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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