

THE HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.34098 of 2014

ORDER:

There is no representation on behalf of the petitioner.

2. The prayer sought in the writ petition is as under:-

“.....to grant an order or direction or writ, more so in the nature of writ of mandamus declaring the action of the respondent No.3 in harassing the petitioner and trying to implicate him in false crime without any reason as illegal, arbitrary, highhanded and violative of Article 14 and 21 of constitution of India and consequently direct the Respondent No.3 to not to implicate the petitioner in the above crime without any material and without following the due process of law and pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.”

3. Learned Government Pleader appearing for respondent Nos.1 to 3 placed on record the written instructions issued by the Sub-Inspector of Police, Shahinayathgunj Police Station, Hyderabad.

4. From a perusal of the said written instructions, it is revealed that one M.Ramakrishna, Additional Inspector of Police, Shahinayathgunj Police Station i.e., the 4th respondent herein, lodged a complaint with the 3rd respondent stating that on 05.10.2014 he along with the Sub-Inspector of Police-Mr.Mattam Raju, were on patrolling in the limits of Shahinayathgunj, near Jummerathbazar, at about 11.00 p.m., they found one Matha procession was coming from Goshacut towards Owntwadi by playing DJ system. Then, he asked the participants to remove the DJ sound system as it is prohibited. On that, some of the participants, provoked by one Lalchand, assaulted him and threatened him with dire consequences. One woman, aged about 35 to 55 years, also assaulted him and hindered him for discharging his lawful duties. The DJ operator also misbehaved with

him. Later, he could stopped playing DJ, but the DJ sped away from the spot along with the DJ sound system, which was in DCM vehicle No.AP 29 T 4771, and later remaining devotees left for immersion. Therefore, he requested to take necessary action against the said participants of the said procession. Pursuant to the said complaint, a case in Crime No.298 of 2014 for the offence under Section 353 read with 34 IPC was registered on the file of the 3rd respondent Police Station. The writ petitioner herein is shown as accused No.1 in the above said crime. During the course of investigation, the complainant was examined and recorded his detailed statement. It is further mentioned in the written instructions that on coming to know about the registration of the F.I.R. against the petitioner, the petitioner with malafide intention to escape from the criminal liability filed the present writ petition with false and baseless allegations. Learned Government Pleader also submits that except registration of the crime, the respondent police never harassed the petitioner and tried to implicate him in false cases.

5. In that view of the matter, this Court is of the opinion that there are no merits in the writ petition and the same is liable to be dismissed.

6. Accordingly, the writ petition is dismissed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand dismissed.

P. KESHA RAO, J

7th January 2020

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