



W.M.P.No.31357 of 2022 in
W.P.No.14427 of 2021

R.N.MANJULA,J.

This Writ Miscellaneous Petition has been filed to consider the affidavit and to restore the W.P.No.14427 of 2021 which was already disposed on 26.10.2022.

2. The petitioner is the fifth respondent in the main Writ Petition. Since notice is not served on the petitioner, he did not get the benefit of hearing to make his submissions. Hence the Writ Petition No.14427 of 2021 should be restored.

3. The first respondent herein has filed the above said Writ Petition for issuance of Writ of Mandamus to direct the respondent police officials not to harass him under the guise of enquiry and to register the FIR on the complaint given by him on 14.05.2019 against the fifth respondent. The said petition was disposed by taking into account of the fact that the investigation is going to be handed over to Central Bureau of Investigation. Despite the first respondent had sought direction to register the FIR, the order has been passed only to reopen the complaint (which has been temporarily closed) and to conduct an independent enquiry in accordance with law. Since no FIR has been registered



R.N.MANJULA,J.

gsk

against the fifth respondent, there is an explicit observation made that notice for the fifth respondent is dispensed. The petitioner has made lot of factual allegations which were not taken into consideration in the order of the Writ Petition because of the limited direction given to the concerned.

4. Since the petitioner is not aggrieved due to the order passed in the Writ Petition in any way and he was not a named accused, I find no reason to restore W.P.No.14427 of 2021 which has been disposed on 26.10.2022, with a neutral order for saving the interest of all the parties concerned.

5. In view of the above stated reasons, this Writ Miscellaneous Petition is dismissed.

gsk

21.12.2022

W.M.P.No.31357 of 2022 in
W.P.No.14427 of 2021