

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40679 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to quash the proceedings in Crime No.442 of 2016 on the file of Nellore Rural Police Station, Sri Potti Sri Ramulu Nellore District.

2. Heard and perused the material available on record.
3. Case of the petitioner is that respondent No.4 filed a false complaint against him before respondent No.3 and the same was registered as the aforementioned case for the offences punishable under Sections 447 and 427 I.P.C.; that the complaint does not contain any incriminating material; that he never did any criminal activities and respondent No.3 is trying to arrest him without following the due process of law and prays to protect his interest while investigating the matter.
4. Learned Assistant Government Pleader for Home submitted that on the basis of the said complaint, a case was registered against the petitioner and respondent No.3 is investigating the matter in accordance with law; that the petitioner, without there being any iota of truth, is making allegations against one Chandra Mohan Reddy, former Minister from Telugu Desam Party, and the contention of the petitioner that due to the instigation of the said Minister, the present complaint was registered is utterly false.
5. In reply, learned counsel for the petitioner submitted that the petitioner will withdraw the allegations made in the affidavit

filed in support of the writ petition against the said Chandra Mohan Reddy.

6. Recording the submission made by the learned counsel for the petitioner and considering the facts and circumstances of the case and in view of the fact that the petitioner is ready to cooperate with the investigation, without expressing any opinion on merits, respondent No.3 is hereby directed to complete the investigation in the aforementioned crime and file a final report, in accordance with law in either way, without arresting the petitioner. The petitioner is directed to appear before respondent No.3 and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum for his appearance as and when required for the purpose of investigation.

7. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

8. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

24.11.2016
AMD

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Date: 24.11.2016

AMD