

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.43527 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to set aside the proceedings in Crime No.181 of 2016 on the file of Ongole II Town Police Station, Ongole, Prakasam 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 365 and 323 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.

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.

5. A reading of the complaint as well as the affidavit filed by the petitioner reveals the fact that the petitioner and respondent No.4 are closely related to each other and matrimonial disputes are also pending between them. Considering the same, this Court is of the view that arrest of the petitioner would cause prejudice if there is any possibility of settlement between the parties. Further, in view of the fact that the petitioner is ready to cooperate with the

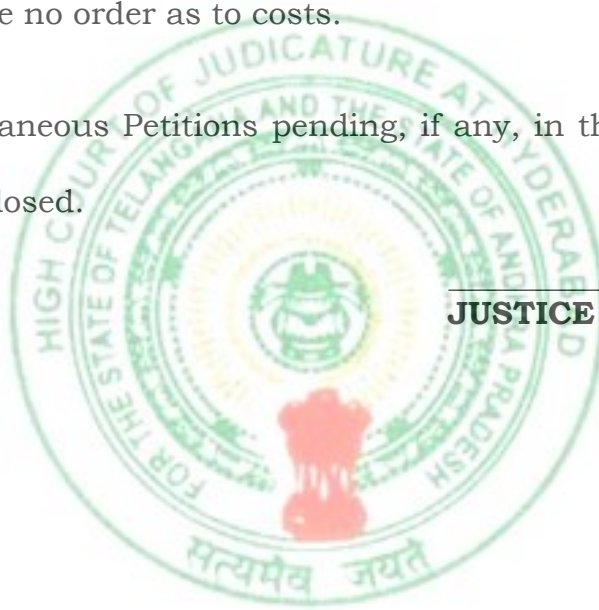
investigation, without expressing any opinion on merits, respondent No.3 is hereby directed to complete the investigation in the aforementioned crime and file a final report, in accordance with law in either way, without arresting the petitioner. The petitioner is directed to appear before respondent No.3 and execute a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with one surety for the like sum for his appearance as and when required for the purpose of investigation.

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

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

22.12.2016
AMD

JUSTICE RAJA ELANGO



THE HONOURABLE SRI JUSTICE RAJA ELANGO



WRIT PETITION No.43527 OF 2016

Date: 22.12.2016

AMD