

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.36881 of 2016

ORDER

This writ petition is filed by the petitioners seeking to declare the action of the 3rd respondent police in registering FIR No.654 of 2016 dated 19.10.2016 of Miyapur Police Station, Cyberabad District, for the offences under Sections 406, 420, 506 read with Section 34 IPC and under Section 156(3) Cr.PL.C., against them, as illegal and arbitrary.

2. It is stated in the affidavit that the 4th respondent herein lodged a complaint alleging that the petitioners being the President and Secretary of Flat Owners Association have threatened her that they would disconnect all the essential amenities to her flat if she fails to fulfill their illegal demands and also demanded a sum of Rs.5 lakhs from her by threatening to kill her. Based on the said complaint, the 3rd respondent registered a case in Cr.No.654 of 2016 for the offences punishable under Sections 406, 420, 506 IPC read with Section 34 IPC and under Section 156(3) Cr.P.C., against the petitioners. It is stated that in order to harass the petitioners, the 4th respondent has foisted a false case against them and that the 3rd respondent is trying to arrest them without following due process of law.

3. The learned Assistant Government Pleader submitted that on the basis of complaint, a case was registered against the petitioners

and the respondents are investigating into the matter in accordance with law.

4. The main grievance of petitioners is that the 3rd respondent did not conduct any enquiry and did not issue any notice to them and that he is trying to arrest them without following due process of law.

5. Considering the facts and circumstances of the case and in view of the grievance of petitioners, without expressing any opinion on merits, respondents Nos.1 to 3 are directed to complete the investigation in Crime No.654 of 2016 of Miyapur Police Station, Cyberabad District, and file a final report, in accordance with law, without arresting the petitioners. The petitioners are directed to appear before the investigating agency as and when required.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

31st October, 2016

sj



