

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.43682 of 2016

ORDER:

The present writ petition is filed by the petitioners seeking to declare the action of the 2<sup>nd</sup> respondent in registering FIR No.349 of 2016, basing on the complaint of the 3<sup>rd</sup> respondent, as illegal and arbitrary, and consequently, set aside the same.

Heard and perused the material available on record.

The offence alleged against the petitioners is under Section 309 IPC. The case in brief is that the 3<sup>rd</sup> respondent, who is working as a Head Constable in the office of the SDPO, Kadapa, lodged a complaint before the 2<sup>nd</sup> respondent alleging that the petitioners went to the office of the DSP, Kadapa on 18.11.2016 and tried to commit suicide by pouring diesel and he prevented them and later they went away. Basing on the said complaint, the aforementioned case is registered against the petitioners.

Learned counsel for the petitioners submitted that the petitioners never went to the office of the SDPO and no such incident was occurred as alleged by the 3<sup>rd</sup> respondent and at the behest of one Sulochana, who intends evade payment to the petitioners, influenced the 3<sup>rd</sup> respondent to lodge the above complaint with false allegations.

The learned Assistant Government Pleader submitted that on the basis of the complaint, a case was registered against the petitioners, and the police concerned, are investigating into the matter in accordance with law.

The petitioners filed this writ petition challenging the investigation in the above crime. Even though this Court is not inclined to interfere with the investigation in the above crime, taking into consideration the circumstances of the case, this Court is of the view that the above crime can be investigated into, without arresting the petitioners.

Accordingly, the 2<sup>nd</sup> respondent is directed to complete the investigation and file a final report in the above Crime, in accordance with law, without arresting the petitioners. The petitioners are also directed to appear before the investigating officer concerned and execute personal bond for a sum of Rs.5,000/- (Rupees five thousand only) each with one surety for the like sum each for their appearance before the investigating officer as and when required for the purpose of investigation.

With the above directions, the Writ Petition is disposed of. No order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

December 16, 2016.  
KTL

