

## HON'BLE SRI JUSTICE RAJA ELANGO

### Writ Petition No.42442 of 2016

#### ORDER :

The Writ Petition is filed under Article 226 of the Constitution of India seeking to issue a writ or order, more particularly one in the nature of writ of *Mandamus* declaring the action of the 3<sup>rd</sup> respondent in initiating proceedings against the petitioner in Crime No.122 of 2016, dated 10-11-2016 on the file of the Chittoor I Town Police Station, Chittoor, Andhra Pradesh, pursuant to the report given by the 4<sup>th</sup> respondent as illegal and arbitrary.

The learned counsel for the petitioner submitted that the allegations made in the F.I.R. even if taken at their face value and accepted in their entirety, do not *prima facie* constitute any offence or make out a case against the petitioner. It is further submitted that the report given by the 4<sup>th</sup> respondent is a sequel to the exposure on face book of the illegal activities carried on by the 4<sup>th</sup> respondent and his colleagues. Therefore, the 4<sup>th</sup> respondent bore personal and private grudge against the petitioner and framed and implicated him in a false case. It is further submitted that the petitioner neither had any personal acquaintance with the 4<sup>th</sup> respondent nor he knew about his caste.

Having regard to the facts and circumstances of the case and also in view of the nature of offences alleged against the petitioner, this Court is not inclined to interfere with the proceedings against the petitioner. However, in view of submissions of the learned counsel for petitioners, this Court directs

the Police concerned to complete the investigation without arresting the petitioner and file the final report in accordance with law. The petitioner is directed to execute a personal bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with one surety for a like sum to the satisfaction of the Investigating Officer for his future appearance as and when required by the investigating agency for the purpose of investigation

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Consequently, Miscellaneous Petitions pending, if any, in the Writ Petition shall stand closed.

06<sup>th</sup> December, 2016

skmr

JUSTICE RAJA ELANGO

