

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40986 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to quash the proceedings in Crime No.145 of 2016 on the file of Kadiyam Police Station, East Godavari District against the petitioner.

2. Heard and perused the material available on record.

3. Case of the petitioner is that the Inspector of Police, Kadiyam Police Station filed a false complaint against her husband and others and the same was registered as the aforementioned case for the offences punishable under Section 8(a)(c) read with 20(b)(ii)(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 read with 34 I.P.C.; that the complaint does not contain any incriminating material against her; that she never did any criminal activities; that she was not shown as an accused in the F.I.R. or any of the remand reports and basing on the confession of one of the accused, who is none other than her husband, that one of the vehicles involved in illegal transportation of ganja i.e., Skoda car stands in the name of the petitioner, respondent No.4 is trying to arrest her without following the due process of law and hence, prays to quash the proceedings in the said crime against the petitioner.

4. Learned Assistant Government Pleader for Home submitted that respondent No.4 is investigating the matter in accordance with law.

5. The petitioner is resident of Hyderabad whereas the vehicle in question was intercepted in East Godavari District. It is also not the case of the prosecution that the petitioner was in possession of the ganja. Admittedly, the petitioner is not having any previous cases. Considering the facts and circumstances of the case and the grievance of the petitioner and in view of the fact that the petitioner is a lady, without expressing any opinion on merits, respondent No.4 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.4 and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum for her 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.

JUSTICE RAJA ELANGO

5.12.2016
AMD

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Date: 5.12.2016

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