

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.42164 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to quash the proceedings in F.I.R.No.3609 of 2016 on the file of APTS Ongole Police Station, Prakasam District against the petitioner.

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 offence punishable under Section 135(1)(a) of the Electricity Act, 2003; that the complaint does not contain any incriminating material against him; 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. Considering the facts and circumstances of the case and the grievance of the petitioner, 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 on condition of the petitioner producing a receipt showing payment of 50% of the amount demanded by respondent No.4 on or before 27.12.2016. If the petitioner fails to

produce the said receipt within the stipulated period, respondent No.3 is at liberty to take appropriate action in accordance with law. Further, the petitioner shall execute a personal bond for a sum of Rs.5,000/- (Rupees five 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.

5.12.2016
AMD



JUSTICE RAJA ELANGO

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Date: 5.12.2016

AMD