

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.36739 OF 2016

ORDER:

This writ petition is filed seeking to issue a writ or order more particularly, one in the nature of writ of *mandamus* to declare the action of respondent No.2 in registering F.I.R.No.41 of 2016 on the file of Anakapalli Town Police Station, Visakhapatnam without application of mind and implicating the petitioners in the false case as illegal and arbitrary and consequently, to quash the same.

2. Heard and perused the material available on record.

3. Case of the petitioners is that the *de facto* complainant filed a false complaint against them before respondent No.2 and the same was registered as the aforementioned case for the offences punishable under Sections 447 and 430 I.P.C; that the complaint does not contain any incriminating material against them; that they never did any criminal activities and respondent No.2 is trying to arrest them without following the due process of law and hence, prays to quash the proceedings in the said crime.

4. Learned Assistant Government Pleader for Home submitted that on the basis of the said complaint, a case was registered against the petitioners and respondent No.2 is investigating the matter in accordance with law.

5. Considering the facts and circumstances of the case and the grievance of the petitioners, without expressing any opinion on merits, respondent No.2 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 petitioners.

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

31.10.2016
AMD



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AMD