

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.42703 OF 2016

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking the following relief:

“...call for the records relating to proceedings in Cr.No. 217 of 2016 of P.S.Bejjanki and declaring the action of the 2nd Respondent in registering the FIR in Crime No. 217 of 2016 on the file of the Police Station Bejjanki, Karimnagar District, Presently Siddipet District, for the offences U/s. 148, 342, 307, 506 R/w. 149 IPC, against the petitioners/Accused Nos. 3 and 5 as illegal, arbitrary and violative of the fundamental rights guaranteed under Articles 19 & 21 of the Constitution of India by quashing the same and consequently direct the Respondent No.2 not to arrest the Petitioners/Accused Nos. 3 and 5 in the above crime pending disposal of main writ petition

2. In the affidavit filed in support of the petition, it is stated that basing on the complaint lodged by *de facto* complainant, the police registered the aforesaid crime against the petitioners. The petitioners did not commit any offence as alleged in the complaint. Due to grudges between the family of petitioners and *de facto* compliant, the present complaint is lodged. Basing on a false complaint, the 2nd respondent is trying to arrest the petitioners, without following due process of law.

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

4. The main grievance of the petitioners is that basing on the complaint lodged by *de facto* complainant, the 2nd respondent is

trying to arrest the petitioners without conducting any enquiry and without issuing any notice.

5. Considering the facts and circumstances of the case and the grievance of the petitioners, without expressing any opinion on merits, respondents No.2 is directed to complete the investigation in Crime No.217 of 2016 of Bejjanki Police Station, Karimnagar District and file a final report, in accordance with law in either way, without arresting the petitioners. The petitioners are directed to report before the 2nd respondent daily between 10:00 A.M and 5:00 P.M for a period of one month. The petitioners are further directed to execute a personal bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with one surety each to the satisfaction of the 2nd respondent as surety for their future appearance for the purpose of investigation.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

DECEMBER 08, 2016
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Date:08.12.2016

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