

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Writ Petition No.42419 of 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to declare the action of the 2nd respondent in registering the crime No.145 of 2015 of Taluk Police Station, Kadapa, dated 12-10-2015 for the offence punishable under Sections 417, 419, 420, 468, 470, 506, 207, 198, 423, 149 I.P.C. and Section 156(3) Cr.P.C. without conducting preliminary enquiry, as illegal and arbitrary and consequently set aside the same.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Home and perused the material available on record.

Having regard to the facts and circumstances of the case and also in view of the nature of offences alleged against petitioners are serious in nature, which have to be investigated into by the investigating agency, this Court is not inclined to interfere with the proceedings initiated against the petitioner.

However, admittedly, the F.I.R. in this case was registered on the basis of reference made under Section 156(3) Cr.P.C. by the learned Magistrate, but the learned Magistrate has not followed the procedures in forwarding the complaint for registration of the same.

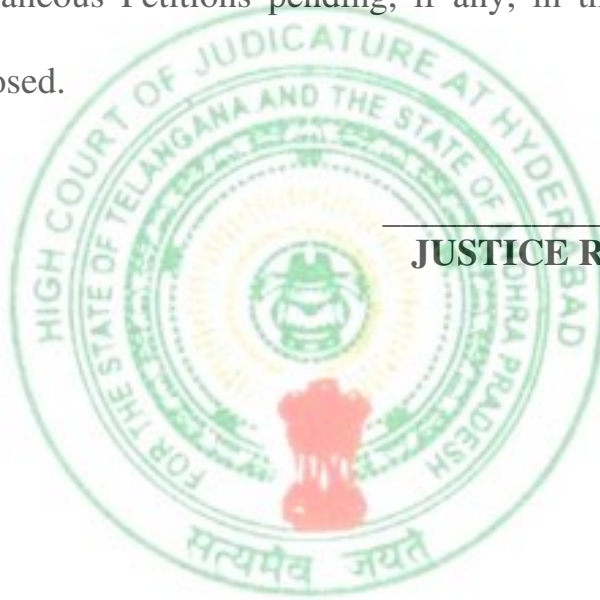
Further, in view of submissions of the learned counsel for petitioner that petitioner is apprehending of his arrest in view of the pendency of the above crime, the police concerned are directed to complete the investigation into the crime without arresting the petitioner and file the final report, if any, in accordance with law.

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

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

06.12.2016

skmr



JUSTICE RAJA ELANGO