

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.43511 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to declare the FIR No.79 of 2016 on the file of Kammarapally Police Station, Karampudi Guntur, as illegal and arbitrary and quash the same.

Heard and perused the material available on record.

The offences alleged against the petitioner are under Sections 147, 148, 307, 324 and 509 r/w.149 IPC. The allegation against the petitioner is that he along with other accused, attacked the petitioner with deadly weapons and caused bleeding injuries to him and abused him and his sister in filthy language, while the petitioner and his sister went to pay the amount due by his brother to the petitioner, in the Court.

The learned counsel for the petitioner submitted that there are money transactions between the petitioner and the brother of the 3rd respondent and in that connection a civil suit is also filed and when they went to give tom tom in the village, there took an altercation between them and in that quarrel, the petitioner and the 3rd respondent sustained injuries.

Learned Assistant Government Pleader for Home submitted that basing on the complaint of the de facto complainant, the above crime is registered and that the police concerned are investigating into the matter.

The petitioner filed this writ petition challenging the investigation in the above crime. This Court is not inclined to interfere with the investigation. However, taking into consideration the facts and circumstances of the case and the grievance of the petitioner, without going into the merits of the case, this Court is of the view that the investigation in the above case can be completed without arresting the petitioner.

Accordingly, the 2nd respondent is directed to complete the investigation and file a final report in the above Crime, in accordance with law in either way, without arresting the petitioner. The petitioner is also directed to appear before the investigating officer concerned daily between 10.00 am and 5.00 pm, for a period of ten (10) days and also execute personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with one surety for the like sum, for his future appearance before the investigating officer concerned, as and when required for the purpose of investigation.

With the above directions, the writ petition is disposed of. No order as to costs. Pending Miscellaneous Petitions, if any, shall stand closed.

December 15, 2016.
KTL

RAJA ELANGO, J