

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.42472 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to declare the action of respondent No.2 in registering Crime No.5 of 2016 on the file of Market Police Station, Hyderabad as illegal and arbitrary.

2. Heard and perused the material available on record.

3. Case of the petitioner is that respondent No.3 filed a private complaint against him before the X Additional Chief Metropolitan Magistrate, Secunderabad and the same was referred to the police for investigation under Section 156(3) Cr.P.C. and respondent No.2 registered the same as the aforementioned case for the offences punishable under Sections 403, 406 and 420 I.P.C.; that the complaint does not contain any incriminating material; that he never did any criminal activities and respondent No.2 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.2 is investigating the matter in accordance with law.

5. Considering the facts and circumstances of the case and the grievance of the petitioner and in view of the fact that the petitioner is ready to cooperate with the investigation, 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 petitioner. The petitioner is directed to appear before respondent No.2 and 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.

7.12.2016
AMD

JUSTICE RAJA ELANGO



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Date: 7.12.2016

AMD