

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.34799 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking a writ of mandamus declaring the proceedings in Crime No..200 of 2016 on the file of Chinnachowk Police Station, Kadapa Town, YSR Kadapa District as illegal and arbitrary and consequently, to quash the same.

The case of the petitioner is that basing on the complaint lodged by 4th respondent, the 3rd respondent registered a case in Crime No.200 of 2016 against the petitioner on 16.9.2016 for the offence under Section 420 IPC, which was forwarded by concerned Magistrate under Section 156(3) Cr.P.C. It is the grievance of the petitioner that the 4th respondent has already invoked the provision under Section 138 of Negotiable Instruments Act against the petitioner regarding the very same transaction and the said case is pending. Suppressing the said fact, the 4th respondent lodged the present complaint.

The learned Additional Government Pleader for Home submitted that since a complaint is forwarded by the Magistrate under Section 156(3) Cr.P.C., the 3rd respondent registered the present crime in accordance with law.

Now, the learned counsel for the petitioner submits that the petitioner is ready to face the trial, but, however, he is apprehending arrest and harassment in the hands of the 3rd respondent-police.

Considering the above, the 3rd respondent is directed to complete the investigation in Crime No.200 of 2016 without arresting the petitioner and file a final report, if any, in accordance with law. The

petitioner is directed to appear before the 3rd respondent-police as and when required during the course of investigation.

Accordingly, the writ petition is disposed of. No costs.

Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO,J

17.10.2016.

Tsr



