

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.36593 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to declare the registration of F.I.R.No.169 of 2015 of Nandyal III Town Police Station, Kurnool District, as illegal, arbitrary and violation of Articles 14 and 21 of the Constitution of India and consequently set aside the same against petitioners herein.

2. Heard and perused the material available on record.

3. The learned counsel for the petitioners contends that petitioners are implicated as accused Nos.1 to 3 in the said crime and they are innocents of the alleged offence. Even if the allegations in the F.I.R. are taken in their entirety, they do not attract against the petitioners, since they are bald and baseless and no specific allegation or attribution is made against each of the accused. In any event, if the allegations in the F.I.R. are taken to be true, they would not attract Section 3(1)(x) of the Special Act. According to the report, the vehicle was taken in March, 2014, whereas the complaint was made on 23-09-2015, hence there was an abnormal delay in lodging the F.I.R.

4. Learned Assistant Government Pleader for Home submitted that on the basis of the said complaint, a case was registered against the petitioners 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 petitioners, without expressing any opinion on merits, respondent

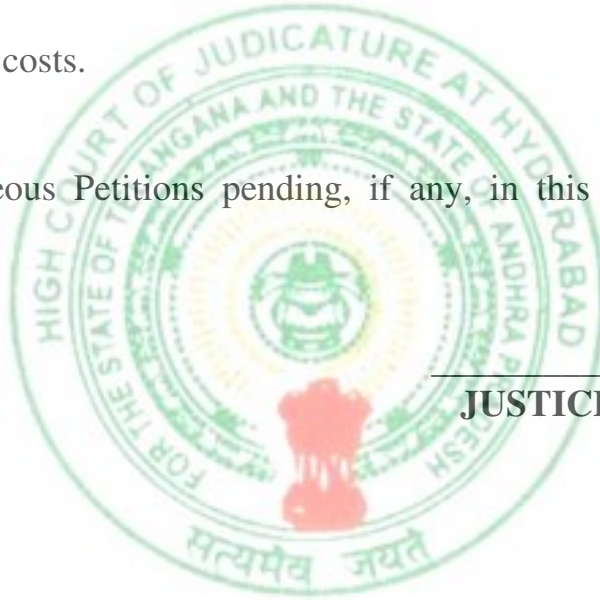
No.2 is hereby directed to complete the investigation in the aforementioned crime and file a final report, in accordance with law in either way, without arresting the petitioners. However, the petitioners shall appear before the investigating officer as and when required for the purpose of investigation. In case any charge sheet is filed and summons are received by the petitioners, they shall appear before the Court concerned and execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with one surety for the like sum each for their future appearance.

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.

07.11.2016

skmr



JUSTICE RAJA ELANGO