

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.39593 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to declare the action of the official respondents in interfering with the personal liberty of the petitioners as illegal and arbitrary and consequently, to direct the official respondents not to interfere with the personal liberty of the petitioners.

2. Heard and perused the material available on record.

3. Case of the petitioners is that basing on a complaint lodged by respondent Nos.4 and 5 against them before respondent No.2 for the offences punishable under Sections 120-B, 403, 406, 408 and 420 I.P.C., respondent Nos.2 and 3 are interfering with their personal liberty by calling them to the police station on one pretext or the other; that respondent Nos.4 and 5 made the false complaint alleging that the petitioners misused the money of public and the Indo-American Chamber of Commerce to a tune of Rs.1.15 crores for personal gains and without the due process of authorization from the Managing Committee of Hyderabad Branch; that the complaint does not contain any incriminating material against them; that they never did any criminal activities and respondent Nos.2 and 3 are trying to arrest them without following the due process of law.

4. Learned Assistant Government Pleader for Home denied the entire allegations and submitted that respondent Nos.2 and 3 are

not interfering with the personal liberty of the petitioners and they are 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, if any case is registered against the petitioners basing on the complaint of respondent Nos.4 and 5, respondent Nos.2 and 3 shall complete the investigation in the said case and file a final report, in accordance with law in either way, without arresting the petitioners. The petitioners are directed to appear before respondent No.3 and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) each with one surety for the like sum each for their 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.

JUSTICE RAJA ELANGO

17.11.2016
AMD

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Date: 17.11.2016

AMD