

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.43301 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.223 of 2016 on the file of Khammam III Town Police Station, Khammam, Khammam District and calling the petitioner to the police station and making threats to mould the civil case into a criminal case as illegal and arbitrary and consequently, direct the respondents, mainly respondent No.3, and their staff not to make threats of arrest in the said F.I.R.

2. Heard and perused the material available on record.

3. Case of the petitioner is that respondent No.4 filed a false complaint against him before respondent No.3 and the same was registered as the aforementioned case for the offences punishable under Section 420 read with 34 I.P.C.; that the complaint does not contain any incriminating material; that he never did any criminal activities and respondent No.3 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.3 is investigating the matter in accordance with law.

5. A-1, who is the main accused, was already arrested. As the petitioner is the son of A-1, his name was also implicated in the complaint. 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.3 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.10,000/- (Rupees ten 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.

21.12.2016
AMD

**JUSTICE RAJA ELANGO**

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AMD