

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44261 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to quash the proceedings in F.I.R.No.478 of 2016 on the file of Kurnool III Town Police Station, Kurnool District against the petitioner.

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 crime for the offences punishable under Sections 323 and 506 read with 34 I.P.C. and Section 3(1)(r)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015; 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. The petitioner lodged a complaint against respondent No.4 before the III Town Police Station, Kurnool and the same was registered as Crime No.482 of 2016 for the offences punishable under Sections 324 and 506 I.P.C. As a counterblast to the said case, respondent No.4 filed Crime No.478 of 2016. Considering the

facts and circumstances of the case and the grievance of the petitioner, 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. However, the petitioner 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 petitioner, he shall appear before the Court concerned and execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with one surety for the like sum for his 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.

20.12.2016
AMD

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