

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.43496 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a direction to respondent Nos.1 and 2 to drop all further proceedings in Crime No.390 of 2016 on the file of Amalapuram Town Police Station, East Godavari District.

2. Heard and perused the material available on record.

3. Case of the petitioner is that respondent No.3 filed a false complaint against him before respondent No.1 and the same was registered as the aforementioned case for the offences punishable under Sections 143, 448, 427, 384, 382 and 307 read with 149 I.P.C. and Section 25 of the Arms Act; that the complaint does not contain any incriminating material; that he never did any criminal activities and respondent No.1 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.1 is investigating the matter in accordance with law.

5. As per the F.I.R., though the offences alleged are serious in nature, the counter does not reveal any specific allegations against the petitioner that too, to attract an offence under Section 307 I.P.C. It is also evident that the petitioner is not having any previous cases. The crime arose out of a civil dispute between the petitioner and respondent No.3. Further, it is submitted that the

petitioner is ready to cooperate with the investigation. Hence, without expressing any opinion on merits, respondent No.1 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.1 daily between 10:00 A.M. and 5:00 P.M. for a period of thirty (30) days commencing from 1.1.2017 and he shall also 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.

22.12.2016
AMD

JUSTICE RAJA ELANGO

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Date: 22.12.2016

AMD