

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.36874 of 2016

ORDER

This writ petition is filed by the petitioner seeking to declare the action of the respondent police in registering the FIR in Crime No.79 of 2016 of Pamarru Police Station, East Godavari District, against him by adopting illegal methods and harassing him and his family, as illegal and arbitrary.

2. It is stated in the affidavit that one Gudumuri Pooja Laxmi, Srikakulam, lodged a complaint before the police stating that A1 committed rape on her by mixing the sedative in thums up drink and later she got pregnancy and A2 to A4 beat her and demanded to get abortion. Based on the said complaint, the 4th respondent registered a case in Cr.No.79 of 2016 for the offences punishable under Sections 342, 376, 323, 506 read with Section 34 IPC and under Sections 3(1)(r)(s)(w), 3(2)(va) of SCs & STs (POA) Amendment Act, 2015. The petitioner herein is A4 in the said case. It is stated that due to political influence, the name of petitioner was implicated falsely and that the 4th respondent is trying to arrest the petitioner, without following due process of law.

3. The learned Assistant Government Pleader submitted that on the basis of complaint, a case was registered against the petitioner and the respondents are investigating into the matter in accordance with law.

4. The main grievance of petitioner is that the 4th respondent did not conduct any enquiry and did not issue any notice to him and that he is trying to arrest him without following due process of law.

5. As seen from the complaint, the only allegation against the petitioner/A4 is that he abused the de facto complainant touching the name of her caste. Considering the facts and circumstances of the case and in view of the grievance of petitioner, without expressing any opinion on merits, respondents Nos.1 to 4 are directed to complete the investigation in Crime No.79 of 2016 of Pamarru Police Station, East Godavari District, and file a final report, in accordance with law, without arresting the petitioner. The petitioner is directed to appear before the investigating agency as and when required.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

31st October, 2016

sj



