

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.33351 OF 2016

ORDER:

The present writ petition is filed by the petitioner, seeking to call for the records in FIR No.228 of 2015 on the file of V-Town Police Station, Nellore, SPSR Nellore, and quash the same.

Heard and perused the material available on record.

The case in brief is that the petitioner developed illegal intimacy with the de facto complainant – 4th respondent on the promise of marrying her and also married her in a temple. Thereafter, she came to know that he was already married and having children and when she questioned him about his first marriage, he scolded her in the name of her caste.

Learned counsel for the petitioner submitted that the petitioner is innocent of the offences alleged against him and the petitioner never had any relationship with the de facto complainant and to attract money from the petitioner, the present complaint is lodged with all false allegations.

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

Even though this Court is not inclined to interfere with the investigation in the above crime, taking into consideration the facts and circumstances of the case, this Court is of the view that the above crime can be investigated into, without arresting the petitioner.

Accordingly, respondent No.3 is directed to complete the investigation and file a final report in the above Crime, in accordance with law, without arresting the petitioner. The petitioner is also directed to appear before the investigating officer concerned, as and when required, and cooperate with the investigation. In case, the charge sheet is filed before the Court concerned, and summons are received by the petitioner, he shall appear before the Court concerned and execute a bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum, for his future appearance.

Accordingly, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

November 01, 2016.
KTL



RAJA ELANGO, J

