

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.41480 OF 2016

ORDER:

This writ petition is filed seeking to issue a writ or order more particularly, one in the nature of writ of *mandamus* seeking the following relief:

“declaring the notice issued by 4th respondent dated 11.11.2016 under section 41(A) Cr.P.C. and the consequential action of the 4th respondent in respect of the attendance of the petitioner on the guise of enquiry and any proposed action as illegal, arbitrary, unjust and against the provisions of the Cr.P.C. and also violation of article 14, 16 and 19 of the Constitution of India; and pass such other order or orders as the Honourable Court may deem fit and proper in the circumstances of the case.”

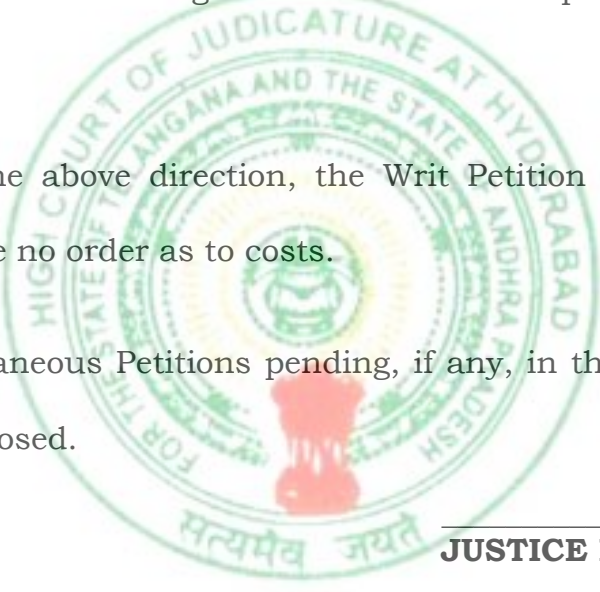
2. Heard and perused the material available on record.
3. Case of the petitioners is that basing on the complaint made by the *de facto* complainant, Crime No.124 of 2016 on the file of Mandapet Town Police Station, East Godavari District was registered against them for the offences under Sections 420 and 506 read with 34 I.P.C.; that though this Court passed an order on 25.10.2016 in W.P.No.36020 of 2016 directing the police to complete the investigation in the said crime and file a final report in accordance with law in either way, without arresting them, on 11.11.2016, respondent No.4 issued notice under Section 41(A) Cr.P.C. to appear before him on 15.11.2016 for an enquiry.
4. Learned Assistant Government Pleader for Home submitted that respondent No.4 is investigating the matter in accordance with law.

5. Considering the facts and circumstances of the case and the grievance of the petitioners, without expressing any opinion on merits, respondent No.4 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 petitioners. However, the petitioners are directed to appear before respondent No.4 and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) each with one surety for the like sum each for their appearance as and when required for the purpose of investigation and also cooperate with the 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.

14.12.2016
AMD

The seal of the High Court of Judicature at Hyderabad, Andhra Pradesh, is a circular emblem. It features a central sun-like symbol with rays, surrounded by a green border containing the text 'HIGH COURT OF JUDICATURE AT HYDRABAD' and 'ANDHRA PRADESH'. Below the seal, the motto 'सत्यमेव जयते' is inscribed in Devanagari script. The signature 'JUSTICE RAJA ELANGO' is written in bold, black, uppercase letters to the right of the seal.

JUSTICE RAJA ELANGO

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Date: 14.12.2016

AMD