

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44206 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.112 of 2016 on the file of Puthalapattu Police Station, Chittoor District against the petitioners.

2. Heard and perused the material available on record.
3. Case of the petitioners is that respondent No.3 filed a private complaint against them before the III Additional Munsif Magistrate, Chittoor and the same was referred to the police for investigation under Section 156(3) Cr.P.C.; that respondent No.2 registered the same as the aforementioned crime for the offences punishable under Sections 418, 420, 307 and 323 read with 34 I.P.C.; that the complaint does not contain any incriminating material; that they never did any criminal activities and respondent No.2 is trying to arrest them 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 petitioners and respondent No.2 is investigating the matter in accordance with law.
5. The incident occurred on 15.6.2016 and the complaint was lodged on 17.9.2016. There is an inordinate delay in lodging the complaint. Considering the facts and circumstances of the case and the grievance of the petitioners and in view of the fact that the petitioners are ready to cooperate with the investigation, without

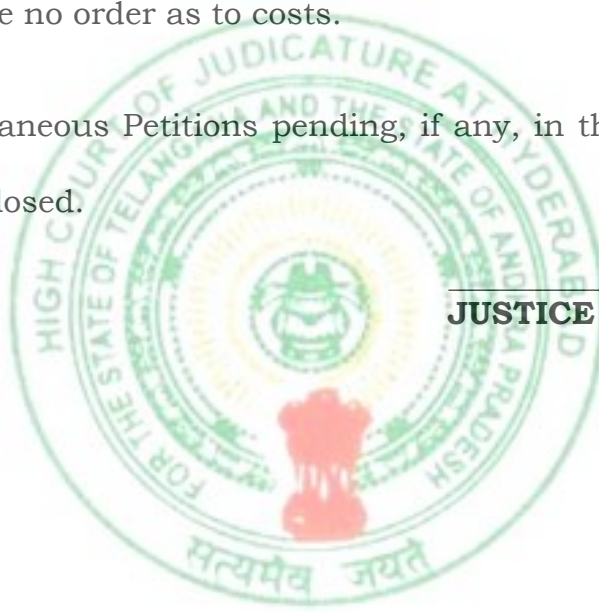
expressing any opinion on merits, respondent No.2 is hereby directed to complete the investigation in the aforementioned crime and file a final report, in accordance with law in either way, without arresting the petitioners. The petitioners are directed to appear before respondent No.2 and execute a 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.

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

JUSTICE RAJA ELANGO



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Date: 20.12.2016

AMD