

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.39529 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 to declare the registration of F.I.R.No.162 of 2016 on the file of Bhainsa Town Police Station, Adilabad District on 8.9.2016 and making threats of arrest as illegal and arbitrary and consequently, to direct the respondents, mainly respondent No.3, and their staff not to make threats of arrest in the said F.I.R.

2. Heard and perused the material available on record.

3. Case of the petitioners is that respondent No.4 filed a false complaint against them before respondent No.3 and the same was registered as the aforementioned case for the offences punishable under Sections 143, 153-A(b), 188 and 341 read with 149 I.P.C. and Section 2 of the Prevention of Insults to National Honour Act, 1971; that the complaint does not contain any incriminating material against them; that they never did any criminal activities and respondent No.3 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.3 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

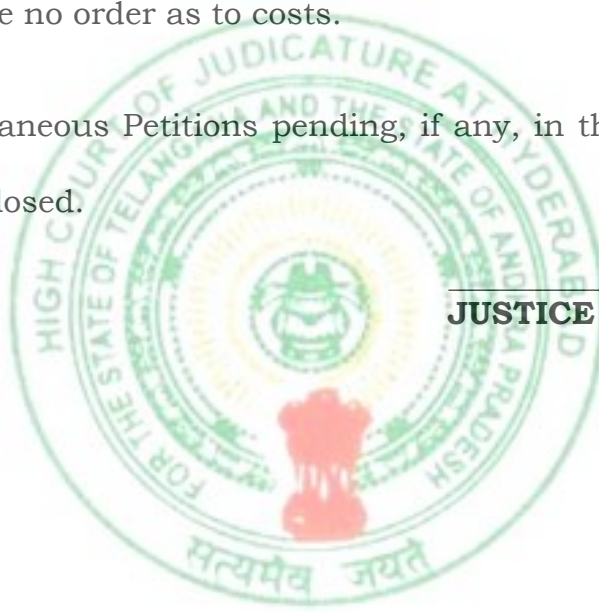
merits, respondent No.3 is hereby directed to complete the investigation in the aforementioned crime and file a final report, in accordance with law in either way, without arresting the petitioners. The petitioners are directed to execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) each with one surety for the like sum each to the satisfaction of respondent No.3 towards surety for their future 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.

16.11.2016
AMD

JUSTICE RAJA ELANGO



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Date: 16.11.2016

AMD