

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.43498 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to declare registration of Crime No.49 of 2015 on the file of Gundala Police Station, Nalgonda District, as illegal and arbitrary and consequently, set aside the same.

Heard and perused the material available on record.

The offences alleged against the petitioner are under Sections 143, 448, 427, 436 and 353 IPC. The case in brief is that the 3rd respondent, who is a Head Constable, was conducting Bando Bastu, for the dowry death of one Swapna, and when the dead body was shifted to the in-laws' house of the deceased after completion of post mortem and inquest, the relatives of the deceased tress passed in the house, demanding Rs.6,50,000/- as compensation and damaged the household articles and set fire to the house.

The learned counsel for the petitioner submitted that the petitioner is innocent of the offences alleged against him and he is no way concerned with the said offences and that there are no specific allegations against him and that basing on the above complaint, the 2nd respondent registered the aforementioned case without conducting any enquiry.

Learned Assistant Government Pleader for Home submitted that basing on the complaint, the aforementioned crime is registered and that the police concerned are investigating into the matter.

The petitioner filed this writ petition challenging the investigation in the above crime. This Court is not inclined to interfere with the investigation. However, taking into consideration the facts and circumstances of the case and the grievance of the petitioner, without going into the merits of the case, this Court is of the view that the investigation in the above case can be completed without arresting the petitioner.

Accordingly, the 2nd respondent is directed to complete the investigation and file a final report in the above Crime, in accordance with law in either way, without arresting the petitioner. The petitioner is also directed to appear before the investigating officer concerned, and execute a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with one surety for the like sum, for his future appearance before the investigating officer concerned, as and when required for the purpose of investigation.

With the above directions, the writ petition is disposed of. No order as to costs. Pending Miscellaneous Petitions, if any, shall stand closed.

December 15, 2016.
KTL

RAJA ELANGO, J