

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40570 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to set aside the proceedings in Crime No.519 of 2016 on the file of Jadcherla Police Station, Mahaboobnagar District against the petitioner.

2. Case of the petitioner is that he is the driver of the lorry bearing No.AP 28 TE 2988; that on 5.11.2016, at 5.00 hours, one S.Narasimha Reddy, Head Constable 1291 of Jadcherla Police Station has lodged a false complaint against him and the same was registered as the aforementioned crime for the offences punishable under Section 379 I.P.C., Section 21(1) of the MMDARA and Section 3 of the PDPPA; that the complaint does not contain any incriminating material; that he never did any criminal activities and respondent No.2 is trying to arrest him without following the due process of law.

3. Heard and perused the material available on record.

4. Learned Assistant Government Pleader for Home submitted that respondent No.2 is investigating the matter in accordance with law.

5. Considering the facts and circumstances of the case and the grievance of the petitioner and in view of the fact that the petitioner is 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 petitioner. The petitioner is directed to appear before respondent No.2 and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum for his 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.

23.11.2016
AMD

JUSTICE RAJA ELANGO



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Date: 23.11.2016

AMD