

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.43815 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to declare the action of the 2nd respondent in registering Crime No.49 of 2016 of Vemuru Police Station, as arbitrary and illegal and consequently, set aside the same.

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 II Additional Munsif Magistrate, Tenalil 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 452, 354, 324 and 506 read with 34 IPC.; 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. 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

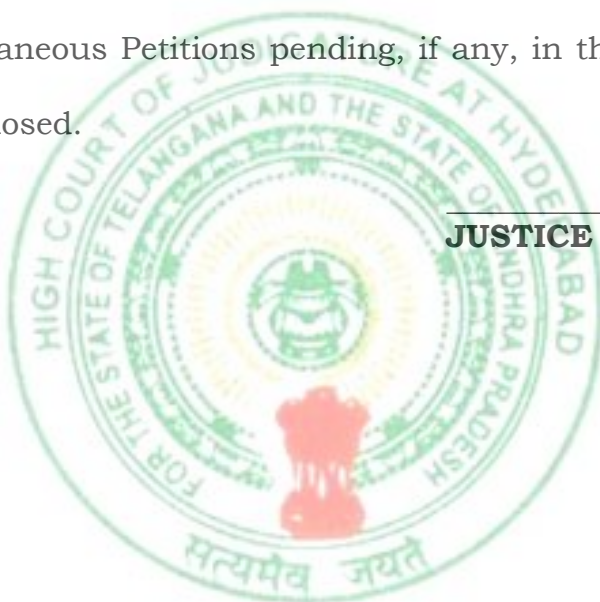
directed to complete the investigation in the aforementioned crime and file a final report, in accordance with law in either way, without arresting the petitioners. The petitioners are directed to appear before respondent No.2 and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand 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.

16.12.2016
YVL

JUSTICE RAJA ELANGO



THE HONOURABLE SRI JUSTICE RAJA ELANGO



WRIT PETITION No.43815 OF 2016

Date: 16.12.2016

YVL