

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37761 of 2016

ORDER:

This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking to declare the action of the 2nd respondent in registering FIR No.103 of 2016, on the file of Penumantra Police Station, West Godavari District, registered for the offences under Sections 417 and 420 IPC, as illegal and arbitrary and consequently, set aside the same.

Heard and perused the material available on record.

It is stated in the affidavit that the 3rd respondent lodged a complaint before the 2nd respondent alleging that the petitioner, by promising to marry her, had sexual intercourse with her, and thereafter, refused to marry her.

Learned counsel for the petitioner submits that the petitioner is innocent of offences alleged against him and that the 3rd respondent is a married woman and her marriage is in existence and that with a malafide intention, she lodged the above complaint against the petitioner and since the petitioner is a government employee, he would put to irreparable loss, in case of his arrest.

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, without going into the merits of the case, this Court is of the view that the investigation 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 as and when required, and cooperate with investigation.

With the above directions, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO, J

November 04, 2016.
KTL



