

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44489 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking a writ of mandamus declaring the action of the 6th respondent in registering F.I.R. No.123 of 2016 against the petitioner as arbitrary and illegal.

The grievance of the petitioner is that on a false complaint given by one P.Parvathi before the Lokayuktha, the 3rd respondent was appointed as enquiry officer and that without there being any enquiry as provided under the provisions of Andhra Pradesh Co-operative Societies Act, 1964, the respondents 3 & 4 made a complaint to 6th respondent, on the basis of which, the 6th respondent registered a case in F.I.R.No.123 of 2016 for the offences punishable under Sections 406, 409 and 420 IPC. The grievance of the petitioner is that all the allegations levelled against him are false and that the 6th respondent without ascertaining the genuineness of the same, registered the F.I.R. and proceeding with the investigation and trying to arrest the petitioner.

The learned Assistant Government Pleader for Home submitted that since a complaint is lodged by the respondents 3 & 4, the 6th respondent registered the present F.I.R. in accordance with law.

Now, the learned counsel for the petitioner submits that the petitioner is ready to cooperate with the investigation, but, however, he is apprehending arrest and harassment in the hands of 6th respondent-police.

Considering the facts and circumstances of the case, the 6th respondent is directed to complete the investigation in Crime No.123 of

2016 without arresting the petitioner and file a final report, if any, in accordance with law. The petitioner is directed to appear before the 6th respondent-police as and when required during the course of investigation. Petitioner is also at liberty to inform the investigating officer that the investigation cannot be proceeded against him in the facts and circumstances of the case and the same shall be considered in accordance with law while investigating into the matter.

Accordingly, the writ petition is disposed of. No costs.

Pending Miscellaneous Petitions, if any, shall stand closed.

20.12.2016.
Tsr



RAJA ELANGO,J

