

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.36637 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to set aside F.I.R.No.171 of 2016 on the file of Hindupur Town Police Station, Anantapur District.

2. Heard and perused the material available on record.
3. Case of the petitioners is that respondent No.3 filed a false complaint against them before respondent No.2 and the same was registered as the aforementioned case for the offences punishable under Sections 147, 148, 353, 427 and 153(A) read with 149 I.P.C.; Section 3 of the Prevention of Damage to Public Property Act, 1984 and Section 7(1) of the Criminal Law Amendment Act; that the complaint does not contain any incriminating material against them; 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, 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. However, the petitioners shall appear before the investigating officer 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.

JUSTICE RAJA ELANGO

15.11.2016
AMD



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AMD