

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.46003 of 2016

ORDER:

The present writ petition is filed by the petitioner seeking to declare the action of the 3<sup>rd</sup> respondent in registering case in FIR No.140 of 2016 on the file of Gudur Rural Police Station, SPSR Nellore District, as illegal and arbitrary, and consequently, quash the same.

Heard and perused the material available on record.

The petitioner and the 4<sup>th</sup> respondent are related to each other. The 4<sup>th</sup> respondent lodged a private complaint before the Additional Judicial Magistrate of First Class, Gudur, against the petitioner and other family members alleging offences under Sections 420, 471, 465, 404 and 506 IPC.

It is the case of the petitioner that there are civil disputes pending between the petitioner and the 4<sup>th</sup> respondent and other family members with regard to partition of properties and civil suits are also pending in the civil Courts. During pendency of the civil suits, the 4<sup>th</sup> respondent lodged the above private complaint with all false allegations, with a view to pressurize the petitioner and other family members, which was referred to the police by invoking provisions under Section 156(3) Cr.P.C., without following due process.

The learned Assistant Government Pleader submitted that on the basis of the complaint, the above case was registered against the petitioner and others, and the police concerned are investigating into the matter in accordance with law.

The petitioner filed this writ petition challenging the investigation in the above crime. Even though this Court is not inclined to interfere with the investigation in the above crime, taking into consideration the circumstances of the case, and the grievance of the petitioner, this Court is of the view that the above crime can be investigated into, without arresting the petitioner.

Accordingly, the 3<sup>rd</sup> respondent is directed to complete the investigation and file a final report in the above Crime, in accordance with law, without arresting the petitioner. The petitioner is also directed to appear before the investigating officer concerned and execute personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum for his future appearance before the investigating officer as and when required for the purpose of investigation.

Accordingly, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

December 28, 2016.  
KTL

