

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37517 of 2016

ORDER

This writ petition is filed by the petitioners seeking to declare the action of 2nd respondent in registering the FIR in Cr.No.768 of 2016 of S.R.Nagar Police Station, Hyderabad District, as illegal and arbitrary and consequently to set aside the same.

2. It is stated in the affidavit that the 3rd respondent lodged a complaint alleging that on 19.10.2016 at about 08.30 hours, while she was proceeding to her college, the first petitioner came on bike, caught hold of her hand and threatened to kill her on the ground that she is an eyewitness in a case registered under SCs & STs Act against the first petitioner. Based on the said complaint, the 2nd respondent registered a case in Cr.No.768 of 2016 for the offences punishable under Sections 354 and 506 IPC against the petitioners. It is stated that the petitioners are no way concerned with the said crime and they were falsely implicated and that the 2nd respondent is trying to arrest the petitioners without following due process of law.

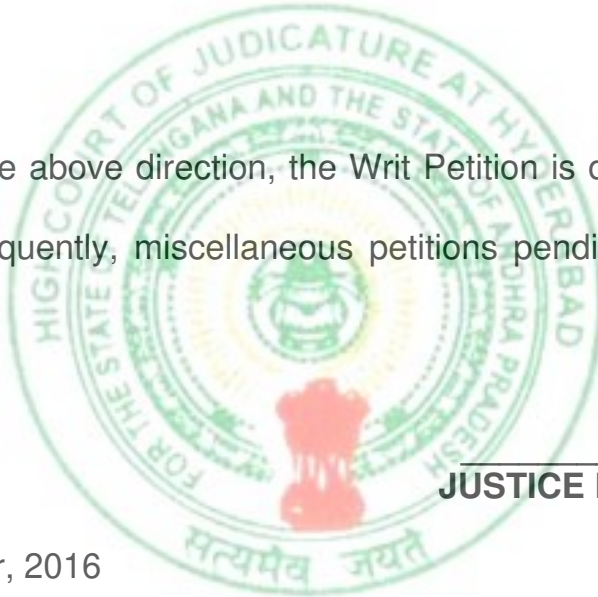
3. The learned Assistant Government Pleader submitted that on the basis of complaint, a case was registered against the petitioners and the respondents are investigating into the matter in accordance with law.

4. The main grievance of petitioners is that the 2nd respondent did not conduct any enquiry and did not issue any notice to them

and that he is trying to arrest them without following due process of law.

5. Considering the facts and circumstances of the case and in view of the grievance of petitioners, without expressing any opinion on merits, respondents Nos.1 and 2 are directed to complete the investigation in Crime No.768 of 2016 of Sanjeevareddy Nagar Police Station, Hyderabad City, and file a final report, in accordance with law, without arresting the petitioners. The petitioners are directed to appear before the investigating agency as and when required.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.



JUSTICE RAJA ELANGO

2nd November, 2016

sj



