

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.42532 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:-

“to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents No. 2 and 3 in implicating the petitioners in false criminal cases being Crime No.88 of 2014 of Kasapuram Police Station and Crime No.67 of 2016 of Atmakur Police Station of Ananthapur District at the instance of the unofficial respondents No.4 and 5 is arbitrary and illegal and consequently issue a direction to the respondents No. 2 and 3 not to prosecute the petitioners in connection with false criminal cases being Crime No.88 of 2014 of Kasapuram Police Station and Crime No.67 of 2016 of Atmakur Police Station of Ananthapur District.”

2. Heard and perused the material available on record.
3. Case of the petitioners is that basing on the false complaints lodged by respondent Nos.4 and 5, respondent Nos.2 and 3 registered Crime No.88 of 2014 on the file of Kasapuram Police Station for the offences punishable under Sections 405 and 420 read with 34 I.P.C. and Section 5 of the Andhra Pradesh Protection of Depositors of Financial Establishments Act and Crime No.67 of 2016 on the file of Atmakur Police Station of Ananthapur District for the offences punishable under Section 420 I.P.C. and Section 5 of the A.P. Protection of Depositors and Financial Establishment Act, 1999; that the complaints do not contain any incriminating material against them; that they never did any criminal activities and the official respondents are 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 complaints, the aforementioned cases were registered against the petitioners and the official respondents are 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 Nos.2 and 3 are hereby directed to complete the investigation in the aforementioned crimes and file final reports, in accordance with law in either way, without arresting the petitioners. The petitioners are directed to appear before respondent Nos.2 and 3 daily between 10:00 A.M. and 5:00 P.M. for a period of ten (10) days commencing from 23.12.2016 and also execute a personal bond for a sum of Rs.20,000/- (Rupees twenty thousand only) each with one surety for the like sum each in both the cases for their appearance 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

7.12.2016
AMD

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Date: 7.12.2016

AMD