

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40670 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to declare the action of respondent No.2 in not conducting fair investigation in Crime No.334 of 2015 on the file of Langer House Police Station, Hyderabad as illegal and arbitrary and consequently, direct respondent No.2 to conduct fair investigation in the said crime.

2. Heard and perused the material available on record.

3. Case of the petitioner is that respondent No.3 filed a private complaint before the VI Additional Chief Metropolitan Magistrate at Hyderabad against him and the same was referred to the police for investigation; that respondent No.2 registered the same as the aforementioned case for the offences punishable under Sections 420, 379 and 506 I.P.C.; that the complaint does not contain any incriminating material; that he never did any criminal activities and respondent No.2 is not conducting investigation in the said case and he is trying to arrest him 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 petitioner 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 petitioner and in view of the fact that the

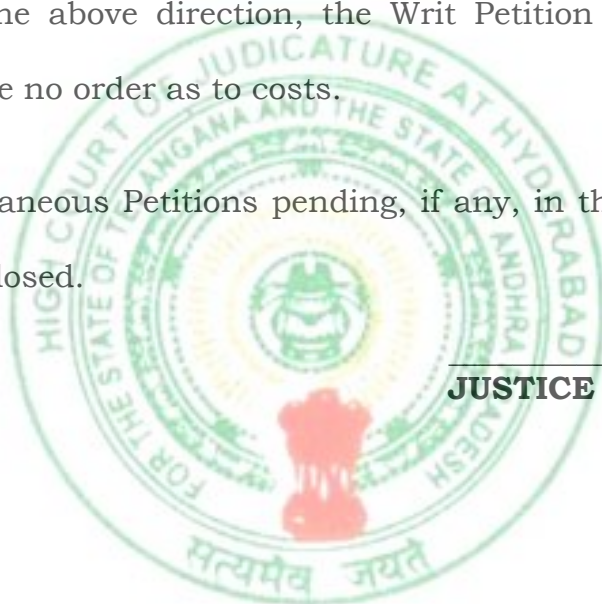
investigation can be completed without arresting the petitioner, without expressing any opinion on merits, respondent No.2 is hereby directed to complete the investigation in the aforementioned crime expeditiously and file a final report, in accordance with law in either way, without arresting the petitioner. The petitioner is directed to appear before respondent No.2 and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum for his 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.

24.11.2016
AMD

JUSTICE RAJA ELANGO



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Date: 24.11.2016

AMD