

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.45964 of 2016

ORDER:

The present writ petition is filed by the petitioners seeking to call for the records pertaining to FIR No.201 of 2016 on the file of Atmakur Police Station, Kurnool District, and quash the same.

Heard and perused the material available on record.

The offences alleged against the petitioners are under Sections 147, 148, 324 and 307 r/w.149 IPC. The de facto complainant lodged a complaint against the petitioners alleging that when the de facto complainant and his friend were sitting before a tea stall at the outskirts of Atmakur village, one Anwar Hussain and some others came on a vehicle and attacked the de facto complainant and his friend, with deadly weapons and caused severe bleeding injuries to the de facto complainant and also to his friend.

The case of the petitioners is that they are not at all concerned with the above crime and that the 1st petitioner is the wife of A1 and the 2nd petitioner is the wife A2 in the case, and there are no specific overt acts against the petitioners and their names are also not mentioned in the FIR. The 1st petitioner is doing business of warehouse and the de facto complainant and another are harassing them by demanding amount and therefore, she also filed cases against them.

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

The petitioners filed this writ petition challenging 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 petitioners, without expressing any opinion on the merits of the case, this Court is of the view that the above crime can be investigated into, without arresting the petitioners.

Accordingly, the 2nd respondent is directed to complete the investigation and file a final report in either way, in the above Crime, in accordance with law, without arresting the petitioners. The petitioners are also directed to appear before the investigating officer concerned and execute personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with one surety for the like sum each for their 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

