

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.35088 of 2016

ORDER:

The writ petition is filed by the petitioner seeking a writ of mandamus declaring the action of the third respondent in registering the case as crime No.323 of 2015 against the petitioner and the second respondent in transferring the same to the file of the fourth respondents registered as crime No.20 of 2016 as arbitrary, illegal and contrary to law.

Heard and perused the material.

Learned counsel for the petitioner submits that the petitioner lodged a complaint against the fifth respondent in Mumbai and the same is registered as crime No.12 of 2015 and as a counter blast to the said case, the fifth respondent has filed the present false complaint against the petitioner and the same is registered as crime No.323 of 2015 and the same is subsequently transferred to fourth respondent and the same is registered as crime No.20 of 2016 by the fourth respondent. He further submits that the moment the petitioner enters into Hyderabad, there is every possibility of arrest and harassment by the respondents 3 and 4 and as such, he prays this Court to quash crime No.20 of 2016 as the same is registered on a false complaint.

Considering the facts and circumstances of the case, this Court is of the view that the investigation cannot be curtailed at the threshold and as such, this Court is not inclined to interfere with the investigation. But, taking into consideration the fact that the case is arising out of dispute with regard to some documents and also as the petitioner being a lady, the respondents/police are directed to complete the investigation without arrest of the petitioner and file final report, if any, in accordance

with law. Further, it is made clear that the investigating agency is at liberty to obtain the signature and handwriting of the petitioner when the petitioner appears before the Magistrate concerned. If the petitioner does not appear before the Magistrate in the next date of hearing, the learned Magistrate is directed to adjourn the matter to some other day and inform the date of hearing to the petitioner to enable her to appear before the Magistrate concerned.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any shall also stand disposed of.

19.10.2016
pln



JUSTICE RAJA ELANGO