

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.43400 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to quash the proceedings in Crime No.235 of 2015 on the file of Eluru III Town Police Station, Eluru, West Godavari District against the petitioner.

2. Heard and perused the material available on record.

3. Case of the petitioner is that respondent No.3 filed a private complaint against him before the Judicial First Class Magistrate of Excise, Eluru, West Godavari District and the same was referred to the police for investigation under Section 156(3) Cr.P.C.; that respondent No.2 registered the same as the aforementioned crime for the offences punishable under Sections 120(B), 406, 418, 419, 420, 423, 424 and 425 read with 34 I.P.C.; that the complaint does not contain any incriminating material; that he never did any criminal activities and respondent No.2 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 petitioner is ready to cooperate with the investigation, without expressing any opinion on merits, respondent No.2 is hereby directed to complete

the investigation in the aforementioned crime 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.

15.12.2016
AMD



JUSTICE RAJA ELANGO

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Date:15.12.2016

AMD