

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.35778 of 2016

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking to declare the action of the respondents in registering F.I.R.No.257 of 2014 on the file of Kadiyam Police Station, Rajahmundry against the petitioners, as arbitrary and illegal and consequently to set aside the same.

2. The case of the petitioners is respondent No.3 lodged a private complaint against them, which was forwarded to the Magistrate concerned, who in turn forwarded the same to the 2nd respondent under Section 156 (3) Cr.P.C. and thereupon the 2nd respondent registered a case in Crime No.257 of 2014 on 16.04.2014 for the offences punishable under Sections 376, 198-A, 354, 494 and 506 read with 34 IPC and Section 3 (1)(XI), 3 (I) (XII) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act. It was alleged in the complaint that while respondent no.3 was going to college, A.1 used to follow her in the name of love and also promised to marry her. In the year 2006, A.1 entered into the house of respondent No.3 and committed rape on her against her will and since then he used to come to her house with a promise to marry her. Subsequently, A.1 married A.3 in the month of November, 2013 with the assistance of the petitioners herein.

3. Heard the arguments and perused the material available on record.

4. Learned counsel for the petitioners submits that the petitioners are innocent of the offences alleged and that they are falsely implicated in this case and hence, prays to quash the aforesaid F.I.R.

5. Considering the facts and circumstances of the case and also the submissions of learned counsel for the petitioners, this Court is not inclined to interfere with the investigation at this stage. However, the 2nd respondent is directed to complete the investigation in Crime No.257 of 2014 as expeditiously as possible, without arresting the petitioners and file a final report, if any, either way in accordance with law, within a period of six months from today. The petitioners are directed to appear before the Investigating Agency as and required and co-operate with the investigation.

6. Accordingly, the writ petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO, J

OCTOBER 24, 2016

YVL

THE HONOURABLE SRI JUSTICE RAJA ELANGO



WRIT PETITION No.35778 of 2016

Date: 24.10.2016

YVL