

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No:34584 OF 2016

ORDER:

1. The present writ petition is filed by the petitioner seeking to declare the action of the respondents in trying to arrest the petitioner, without following due process of law and without any jurisdiction, in connection with Crime No.321 of 2016 of Nagarampalem Police Station, Guntur, Guntur District as illegal and arbitrary and consequently, to direct the respondents not to investigate into the matter and not to arrest the petitioner, without following due process of law.

2. It is stated in the affidavit that the petitioner is working as Superintendent in "B" Section of District Police Office, Guntur Urban, Guntur. The 4th respondent lodged a complaint on 7.10.2016 with false allegations and with the connivance of the persons, who intended to thwart the chances of his promotion for the next post. Basing on the said complaint, the 3rd respondent registered FIR No.321 of 2016 for the offence under Sections 354(A) IPC and 66 of IT Act, 2008. It is stated that the complaint does not contain any incriminating material and that the petitioner never did any criminal activities and that the 3rd respondent is trying to arrest the petitioner, without following due process of law.

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

4. The main grievance of the petitioner is that the 3rd respondent did not conduct any enquiry and did not issue any notice to him and that he is trying to arrest the petitioner without following due process of law.

5. Considering the facts and circumstances of the case and the grievance of the petitioner, without expressing any opinion on merits, respondents Nos.1 to 3 are directed to complete the investigation in Crime No.321 of 2016 of Nagarampalem Police Station, Guntur, and file a final report, in accordance with law in either way, without arresting the petitioner.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

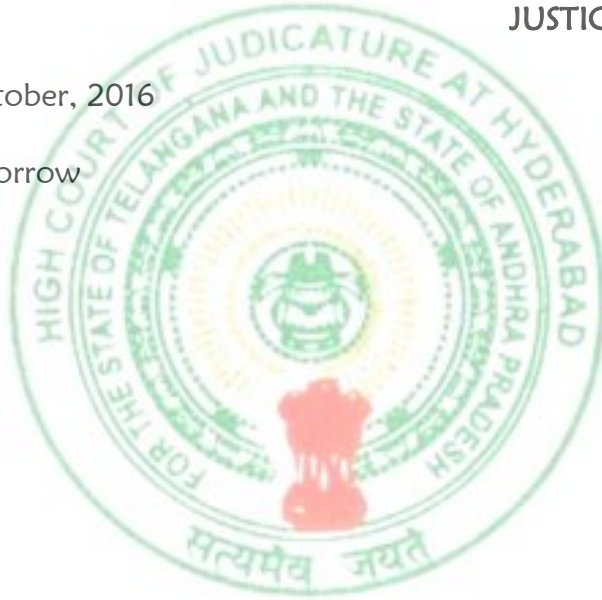
Dated: 17th October, 2016

Note:

Issue C.C. tomorrow

B/O

Nh.



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17/10/2016

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