

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.38962 of 2016

ORDER

This writ petition is filed by the petitioners seeking to declare the action of 5th respondent in registering a false case in Cr.No.181 of 2016 of Pithapuram Police Station, East Godavari District, for the offences punishable under Sections 353, 506 read with Section 34 IPC, against petitioners 1 and 2 at the instance of the complaint given by 6th respondent, as illegal and arbitrary.

2. It is stated in the affidavit that the 6th respondent-police constable lodged a complaint alleging that during the course of vehicle checking on 08.11.2016 at 6.30 PM., petitioners 1 and 2, who were traveling on motorcycle, refused to produce the vehicle records and threatened him with dire consequences. Based on the said complaint, the 5th respondent registered a case in Cr.No.181 of 2016 for the offences punishable under Sections 353, 506 read with Section 34 IPC, against the petitioners. It is stated that 6th respondent beat the 2nd petitioner on his left leg with a lathi, due to which, he sustained contusion over his left leg and he was taken to Government Hospital and later, petitioners were falsely implicated in this case and that the 5th respondent is trying to arrest them without following due process of law.

3. The learned Assistant Government Pleader submitted that on the basis of complaint, a case was registered against the petitioners

and the respondents are investigating into the matter in accordance with law.

4. The main grievance of petitioners is that the 5th respondent did not conduct any enquiry and did not issue any notice to them and that he is trying to arrest them without following due process of law.

5. Considering the facts and circumstances of the case, without expressing any opinion on merits, respondents Nos.1 to 5 are directed to complete the investigation in Crime No.181 of 2016 of Pithapuram Police Station, East Godavari District, and file a final report, in accordance with law, without arresting the petitioners. The petitioners are directed to appear before the investigating agency as and when required.

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

11th November, 2016

sj



