

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37687 of 2016

ORDER:

The present writ petition is filed by the petitioner seeking to call for the records relating to Crime No.94 of 2016 on the file of Cumbum Police Station, Prakasam District, registered against her for the offences punishable under Sections 120(b) and 307 r/ w. 34 IPC and 25 & 27 of the Indian Arms Act.

Heard and perused the material available on record.

The allegation against the petitioner is that she along with other accused i.e. A1 to A4, hatched a plan to kill her brother, who is none other than her son-in-law. The grievance of the petitioner is that initially the case was registered for the offence under Section 102 Cr.P.C., and subsequently, on the confession of A1, the same was altered to the above sections, and the name of the petitioner was not there in the FIR, but subsequently, she was added as A5.

The learned Assistant Government Pleader submitted that A1 to A4 in the above crime were arrested and basing on their confessional statement about her participation in commission of the crime, the petitioner was added as an accused and the respondents are investigating into the matter in accordance with law.

Even though this Court is not inclined to interfere with the investigation in the above crime, taking into consideration the facts and circumstances of the case, this Court is of the view that the above crime can be investigated into, without arresting the petitioner.

Accordingly, respondent Nos.2 and 3 are directed to complete the investigation and file a final report in the above Crime, in accordance with law, without arresting the petitioner. The petitioner is also directed to appear before the investigating officer concerned, as and when required, and cooperate with the investigation.

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

RAJA ELANGO, J

November 03, 2016.
KTL

