

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37509 of 2016

ORDER

This writ petition is filed by the petitioners seeking to declare the action of respondents in registering the FIR in Cr.No.209 of 2016 of Kurnool II Town Police Station, Kurnool District, for the offences punishable under Sections 354D, 323,452, 379 read with Section 34 IPC as illegal and arbitrary and consequently, to quash the said FIR.

2. It is stated in the affidavit that the 4th respondent lodged a complaint alleging that the first petitioner on the pretext of love used to harass her to marry and since herself and her family members refused to perform the marriage, the petitioners bore grudge against her family and on one occasion, the 1st petitioner took away the vehicle of her sister, but not returned to them and that on 28.09.2016, the petitioners came to her house and beat them indiscriminately without any reason. Based on the said complaint, the 3rd respondent registered a case in Cr.No.209 of 2016 for the offences punishable under Sections 354D, 323,452, 379 read with Section 34 IPC against the petitioners. It is stated that the petitioners are neighbours and very close to the family of 4th respondent and as such, they were falsely implicated in this case and that the 3rd 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 3rd 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 and in view of the grievance of petitioners, without expressing any opinion on merits, respondents Nos.1 to 3 are directed to complete the investigation in Crime No.209 of 2016 of Kurnool II Town Police Station, Kurnool 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

2nd November, 2016

sj



