

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37695 of 2016

ORDER:

The present writ petition is filed by the petitioner seeking to declare the action of the 3rd respondent in registering Crime No.132 of 2011 on the file of Adoni III-Town Police Station, Kurnool District, registered for the offences under Sections 143, 427, 454, 380 and 149 IPC and 7 of Criminal Law Amendment Act, as illegal and arbitrary, and consequently, quash the same.

Heard and perused the material available on record.

The case of the petitioner is that the on the basis of the complaint lodged by the 4th respondent alleging that some unknown persons break open his shop shutter and took away cell phones and computer and inverter worth Rs.13,00,000/- in a clash that occurred between two groups in Ganesh Immersion procession, the 3rd respondent is harassing the petitioner and trying to arrest him. The grievance of the petitioner is that in the complaint the name of the petitioner is not mentioned and the FIR is also registered against some unknown persons, but during the course of investigation, the 3rd respondent implicated him falsely and added him as accused No.38, and therefore, he requested to quash the same.

Heard and perused the material available on record.

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

The petitioner filed this writ petition challenging the investigation in the above crime. 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, and the grievance of the petitioner and since the case pertain to the year 2011, without going into the merits of the case, this Court is of the view that the above crime can be investigated into, without arresting the petitioner.

Accordingly, respondents 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.

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

RAJA ELANGO, J

November 03, 2016.
KTL

