

**THE HONOURABLE SRI JUSTICE RAJA ELANGO**

**WRIT PETITION No.37551 of 2016**

**ORDER:**

This writ petition under Article 226 of Constitution of India is filed seeking a writ of mandamus to declare the action of 2<sup>nd</sup> respondent in registering the F.I.R.No.325 of 2016 against the petitioner as illegal and arbitrary.

The case of the petitioner is that the petitioner has initiated the proceedings against the 3<sup>rd</sup> respondent for the offence under Section 138 of Negotiable Instruments Act and the same is pending on the file of II Additional Judicial First Class Magistrate, Ongole. After receipt of notice in the said proceedings, to settle the said dispute, the 3<sup>rd</sup> respondent influenced the 2<sup>nd</sup> respondent and lodged a false complaint basing on which the 2<sup>nd</sup> respondent registered a case in F.I.R.No.325 of 2016 against the petitioner for the offence under Section 3(1)(r)(s), 2(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The learned Additional Government Pleader for Home submitted that since a complaint is lodged by the 3<sup>rd</sup> respondent, the 2<sup>nd</sup> respondent registered the present crime in accordance with law.

Now, the learned counsel for the petitioner submits that the petitioner is ready to cooperate for the investigation, but, however, he is apprehending arrest and harassment in the hands of 2<sup>nd</sup> respondent-police.

The record discloses that the petitioner has already initiated the proceedings against the 3<sup>rd</sup> respondent for the offence under Section 138 of Negotiable Instruments Act. Considering the same, the 2<sup>nd</sup> respondent is directed to complete the investigation in F.I.R. No.325 of 2016 without

arresting the petitioner and file a final report, if any, in accordance with law. The petitioner is directed to appear before the 2<sup>nd</sup> respondent-police as and when required during the course of investigation.

Accordingly, the writ petition is disposed of. No costs.

Pending Miscellaneous Petitions, if any, shall stand closed.

21.11.2016.  
Tsr

**RAJA ELANGO,J**



