

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.36975 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to declare F.I.R.No.31 of 2016, dated 27-09-2016 on the file of the Mothugudem Police Station, East Godavari District, registered against the petitioner herein, as illegal and unconstitutional.

Heard and perused the material available on record.

The learned counsel for the petitioner contends that the complaint filed by the 6th respondent and the F.I.R. registered by the Police are gross abuse of process of criminal law. The complaint allegations do not make out or disclose any offence against the petitioner, much less any offence under Sections 420 and 406 I.P.C. The case is covered by the Special Law under Section 21(4) of the Contract Labour (Prohibition and Abolition) Act, 1970 and the 6th respondent, having the duty to discharge his functions as envisaged under Section 21(4) of the Contract Labour (Prohibition and Abolition) Act, 1970, cannot initiate false and fabricated complaint and cannot initiate the present criminal proceedings, which is an abuse of the process of criminal law.

Learned Assistant Government Pleader for Home submitted that on the basis of the said complaint, a case was registered against the petitioner and respondent No.5 is investigating the matter in accordance with law.

Considering the facts and circumstances of the case and the grievance of the petitioner, without expressing any opinion on merits, respondent No.5 is hereby directed to complete the investigation in the aforementioned crime and file a final report, in accordance with law in either way, without arresting the petitioner. However, the petitioner shall appear before the investigating officer as and when required for the purpose of investigation.

With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

07.11.2016

skmr



JUSTICE RAJA ELANGO