

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37886 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to issue a direction to respondent No.3 not to investigate into Crime No.653 of 2016 of Patamata Police Station, Patamata, Vijayawada, Krishna District and not to arrest the petitioner without following the due process of law.

2. Heard and perused the material available on record.

3. Case of the petitioner is that respondent No.4 filed a false complaint against him before respondent No.3 and the same was registered as the aforementioned crime for the offences punishable under Sections 420 and 506 read with 34 I.P.C.; that the complaint does not contain any incriminating material; that he never did any criminal activities and respondent No.3 is trying to arrest him without following the due process of law.

4. 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.3 is investigating the matter in accordance with law.

5. Considering the facts and circumstances of the case and the grievance of the petitioner, without expressing any opinion on merits, respondent No.3 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.

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

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

JUSTICE RAJA ELANGO

4.11.2016
AMD



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