

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40068 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to declare the action of the official respondents in trying to arrest the petitioner in respect of Crime No.208 of 2016 on the file of Jagtial Town Police Station, Jagtial District as illegal and arbitrary and consequently, direct the official respondents not to arrest the petitioner.

2. Heard and perused the material available on record.

3. Case of the petitioner is that respondent No.3 filed a false complaint against him before respondent No.2 and the same was registered as the aforementioned case for the offences punishable under Sections 417, 420 and 376 I.P.C.; that the complaint does not contain any incriminating material against him; that he never did any criminal activities and respondent No.2 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.2 is investigating the matter in accordance with law.

5. The petitioner filed the present writ petition apprehending arrest in the hands of respondent No.2 in view of the registration of the aforesaid case. The complaint discloses that the petitioner had sexual intercourse with respondent No.3 by promising to marry her for which, she gave birth to a child. The present case arose out of

the love affair between the petitioner and respondent No.3. Considering the facts and circumstances of the case and the grievance of the petitioner, respondent No.2 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. The petitioner is directed to appear before respondent No.2 for a period of one week i.e., from 15.12.2016 to 21.12.2016 between 10:00 A.M. and 5:00 P.M. Further, he shall execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum for his appearance as and when required for the purpose of investigation. The petitioner shall cooperate with the Investigating Officer for DNA test, if required.

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

5.12.2016
AMD

THE HONOURABLE SRI JUSTICE RAJA ELANGO



WRIT PETITION No.40068 OF 2016

Date: 5.12.2016

AMD